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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
and
VETERANS AFFAIRS AND
EMERGENCY PREPAREDNESS COMMITTEE

VALLEY FORGE MILITARY ACADEMY
EISENHOWER BUILDING
VALLEY FORGE, PENNSYLVANIA

WEDNESDAY, SEPTEMBER 7, 2011
9:42 A.M.

BEFORE:

- HONORABLE RON MARSICO, MAJORITY CHAIRMAN,
JUDICIARY COMMITTEE
- HONORABLE TOM C. CREIGHTON
- HONORABLE BRIAN L. ELLIS
- HONORABLE KEITH GILLESPIE
- HONORABLE MARK K. KELLER
- HONORABLE RICK SACCONI
- HONORABLE WARREN KAMPF
- HONORABLE STEPHEN BARRAR, MAJORITY CHAIRMAN,
VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS COMMITTEE
- HONORABLE MARK M. GILLEN
- HONORABLE JOSEPH T. HACKETT
- HONORABLE THOMAS R. CALTAGIRONE,
MINORITY CHAIRMAN, JUDICIARY COMMITTEE
- HONORABLE CHRIS SAINATO,
MINORITY CHAIRMAN,
VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS COMMITTEE
- HONORABLE TINA M. DAVIS
- HONORABLE BRYAN BARBIN

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ALSO PRESENT:

RYAN BOOP, ESQ., MAJORITY EXECUTIVE DIRECTOR
JUDICIARY COMMITTEE

RICK O'LEARY, MAJORITY EXECUTIVE DIRECTOR
VETERANS AFFAIRS AND
EMERGENCY PREPAREDNESS
COMMITTEE

JENN TYLER, MINORITY EXECUTIVE DIRECTOR
VETERANS AFFAIRS AND
EMERGENCY PREPAREDNESS
COMMITTEE

SEAN HARRIS, RESEARCH ANALYST
VETERANS AFFAIRS AND
EMERGENCY PREPAREDNESS
COMMITTEE

BRENDA J. PARDUN, RPR
REPORTER - NOTARY PUBLIC

INDEX

1	NAME	PAGE
2		
3	OPENING REMARKS AND INTRODUCTIONS	
4	WESLEY R. PAYNE, IV	
5	PENNSYLVANIA BAR ASSOCIATION	
6	CO-CHAIR, MILITARY AND VETERAN	
7	AFFAIRS COMMITTEE	
8	LIEUTENANT COLONEL STEPHEN	
9	C. MILLER, ESQUIRE	
10	DIRECTOR, PENNSYLVANIA VETERANS	
11	MUSEUM LAW CLINIC	
12	BRIAN COURTNEY	
13	GRADUATE, PHILADELPHIA VETERANS	
14	COURT	
15	HONORABLE PATRICK F. DUGAN	
16	JUDGE, PHILADELPHIA MUNICIPAL COURT	
17	HONORABLE WILLIAM J. FURBER, JR.	
18	JUDGE, MONTGOMERY COUNTY COURT OF	
19	COMMON PLEAS	
20	HONORABLE SEAMUS P. MCCAFFERY	
21	SUPREME COURT JUSTICE	
22		
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P R O C E E D I N G S

- - -

CHAIRMAN MARSICO: Good morning,
everyone.

Can you hear me? Pretty good
sound system we have here.

I'm Representative Ron Marsico,
chairman of the House Judiciary Committee.

Call the meeting to order.

I want to note that this is a
meeting of the Judiciary Committee of the
House of Representatives and the committee on
Veterans Affairs and Emergency Preparedness.

Thank you very much for being
here, and I'd like to introduce the Chairman
of the Veterans Committee and Emergency
Preparedness Committee, Chairman Barrar.

I'd like to introduce -- have each
representative of the panel, each member,
introduce themselves, and we'll start down to
my right, including staff.

MR. HARRIS: Sean Harris, research
analyst for the committee.

REPRESENTATIVE KAMPF: I'm Warren
Kampf of the 157th District, which is just up

1 the road, part of the VMA is in my district.

2 REPRESENTATIVE CREIGHTON: Tom
3 Creighton, Lancaster County, 37th District.

4 REPRESENTATIVE SACCONI: Rich
5 Saccone, representing parts of Allegheny
6 County and Washington Counties.

7 REPRESENTATIVE KELLER: Mark
8 Keller, the 86th District, Perry and Franklin
9 County.

10 REPRESENTATIVE CALTAGIRONE: Tom
11 Caltagirone, 127th District.

12 MR. BOOP: My name is Ryan Boop.
13 I'm the executive director for the House
14 Judiciary Committee.

15 REPRESENTATIVE BARRAR:
16 Representative Steve Barrar.

17 MR. O'LEARY: Rick O'Leary,
18 executive director of the majority, Veterans
19 Affairs and Emergency Preparedness.

20 REPRESENTATIVE SAINATO:
21 Representative Chris Sainato from Lawrence and
22 Beaver County. And I'm the minority chair of
23 Veteran Affairs.

24 MS. TYLER: Jenn Tyler, executive
25 director, minority, veteran affairs.

1 REPRESENTATIVE BARBIN: Bryan
2 Barbin, representative from Cambria County.

3 REPRESENTATIVE HACKETT: Joe
4 Hackett, representative from the 161st
5 District, Delaware County.

6 REPRESENTATIVE GILLEN:
7 Representative Mark Gillen from the 128th
8 Legislative District, southern Berks County.

9 REPRESENTATIVE ELLIS: Brian Ellis
10 from the 11th District, Butler County.

11 CHAIRMAN MARSICO: Today we're
12 holding a joint public hearing about the
13 development of veterans courts in the
14 commonwealth. We are looking forward to
15 witnesses who will be presenting on this
16 important subject, hearing from those
17 witnesses.

18 The idea of using frequency-based
19 alternatives to traditional courts is nothing
20 new in the United States and in the
21 commonwealth. Drug courts have been around
22 for more than twenty years. However, only
23 recently have we come to a realization that
24 many veterans of wars, from Vietnam, Iraq,
25 Afghanistan, and other conflicts, soldiers who

1 have served their country honorably, have paid
2 a heavy price for their service. They've had
3 their lives impacted while after being
4 discharged.

5 The stress of combat and just
6 being in a war zone has, in some cases, led
7 former members of the military to become
8 involved in alcohol and other forms of
9 substance abuse and other antisocial
10 behaviors. Sometimes that behavior lands that
11 vet in the criminal justice system. Most
12 often it does not involved any violence.

13 We do a disservice to those
14 services if we don't recognize the unique
15 cause of their problems.

16 While we can't ignore
17 accountability for their crimes, we have an
18 obligation to get them the help they need and,
19 more importantly, the help they deserve and
20 have earned through their service to our
21 country. Having a court specifically focus on
22 the veterans, their crimes, and their special
23 needs, offer these men and women the best
24 chance for a healthy, productive, and happy
25 life.

1 I want to thank everyone for
2 coming today. Before we begin the testimony
3 from the list of speakers for today, I'd like
4 to turn it over to Representative Barrar for
5 his comments on this hearing.

6 REPRESENTATIVE BARRAR: Thank you,
7 Chairman Marsico and also Chairman Sainato,
8 for being here today with us.

9 This -- the idea of veterans
10 courts have been around just for a couple
11 years at this point. And this was brought to
12 my attention by one of my constituents, who's
13 going to testify next, Lieutenant Colonel
14 Miller. I serve on the Penn State Veterans
15 Museum board with him, and he talked to me
16 quite a bit about this.

17 I took his idea to Chairman
18 Marsico, the chairman of the Judiciary
19 Committee, and asked him about holding on a
20 hearing this so we could see whether or not
21 there was a need to do any type of legislation
22 to help this along, whether we need to codify
23 this into a law and have the general assembly
24 act on it, or if there's a need for funds, to
25 find out how we can promote the idea of

1 veterans courts even more around the state of
2 Pennsylvania.

3 I think it is such an important
4 idea that we have here, and it's becoming very
5 popular. I know in Delaware County, our
6 county council and our judges, our president
7 judge, have gotten out front on this issue,
8 and I know in Montgomery County, they have
9 been very successful for the past couple years
10 with this.

11 We have more and more veterans
12 coming home that are suffering from post
13 traumatic stress. Maybe we're just getting
14 better at identifying than we had during the
15 Vietnam War, but it's so important that we get
16 ahold of these veterans before they're either
17 incarcerated, maybe the first bite at the
18 apple, should be some type of special
19 treatment for veterans, whether it's through
20 drug programs or job training, whatever they
21 need, to try to make sure that we can do
22 everything we can for these veterans that are
23 coming home.

24 So I want to thank everyone for
25 taking time to be here today. And traffic

1 coming out here was a little tough with the
2 recent weather, and I just want to take a few
3 minutes and ask Chairman Sainato if he wanted
4 to make any brief comments before we introduce
5 our speakers.

6 REPRESENTATIVE SAINATO: Thank
7 you, Chairman Barrar.

8 I just would also like to thank my
9 colleagues, Chairman Barrar, Chairman Marsico,
10 and Chairman Caltagirone, and everyone else
11 who's taken time out of their schedule, to
12 join us as we hear more about veterans courts
13 in Pennsylvania.

14 A special thank you to Justice
15 Seamus McCaffery for all of his hard work,
16 dedication, and leadership on this very
17 important issue.

18 Veterans courts are designed to
19 assist the former service member by providing
20 a treatment program that will help them on
21 their path toward recovery. I'm a member of
22 the Veterans Justice Partnership Task Force,
23 and I look forward to working with Justice
24 McCaffery and direct the board on this
25 important issue as it continues to evolve.

1 So, again, I thank all of our
2 chairmen and all of the committee members for
3 being here today on this very important
4 subject.

5 REPRESENTATIVE BARRAR: Thank you,
6 Chairman Sainato.

7 CHAIRMAN MARSICO: I want to
8 recognize and thank Chairman Caltagirone, who
9 is here, and thank him for his interest in
10 this very important issue as well.

11 Chairman Caltagirone, thanks for
12 being here.

13 REPRESENTATIVE CALTAGIRONE: Thank
14 you.

15 REPRESENTATIVE BARRAR: All right.
16 I believe we're ready for our first
17 testimony. And we have a distinguished group
18 of speakers that we are anxious to hear from
19 each of them.

20 We have roughly set aside twenty
21 minutes per speaker, and we'd ask that our
22 speakers spend, maybe, no more than ten
23 minutes on their testimony, and then that
24 gives the committee a chance to ask questions
25 for a few minutes.

1 Our first set of speakers, our
2 first panel is going to be Wesley Payne, with
3 the Pennsylvania Bar Association and co-chair
4 of the Military and Veteran Affairs Committee
5 for the bar association, and also Lieutenant
6 Colonel Stephen Miller, the director of the
7 Pennsylvania Veterans Museum Law Clinic.

8 If you can come up to the podium
9 here.

10 And I'd just ask the members and
11 anyone in the audience if they'd quickly look
12 at their cell phone and make sure that it's
13 put on totally silent so it's not vibrating or
14 interfering with the microphones. Thank you.

15 Gentlemen.

16 Wesley, proceed whenever you're
17 ready.

18 MR. PAYNE: Thank you,
19 Mr. Chairman.

20 As you stated, my name is Wesley
21 Payne. And to members of the House Judiciary
22 Committee and the Veterans Affairs and
23 Emergency Preparedness Committee, the
24 Pennsylvania Bar Association greatly
25 appreciates the opportunity to submit its

1 written testimony and the opportunity to speak
2 before you with regards to the establishment
3 and viability of veteran courts programs
4 throughout the state of Pennsylvania.

5 Veteran court programs are
6 currently operating in several counties in
7 Pennsylvania, and although each of these
8 programs works slightly differently from
9 county to county, overall the programs have
10 proven over the last several years to be an
11 effective tool for the courts.

12 Over the last two years, veteran
13 court program have been established in
14 Lackawanna, Philadelphia, Allegheny, Berks,
15 Chester, Montgomery, and Washington Counties.
16 Based upon the success of these initial
17 veteran court programs, Lehigh,
18 Northumberland, York, Dauphin, Delaware,
19 Luzerne, and Beaver Counties initiated
20 veterans court programs, which are anticipated
21 to be up and running within the next six
22 months or so.

23 The PBA supports providing funding
24 to counties to plan, implement, and expand
25 initiatives that increase public safety, avert

1 increased spending on criminal justice, and
2 improve the effectiveness of treatment
3 services for individuals with mental
4 illnesses, substance abuse issues and
5 disorders who are involved with or at risk of
6 involvement with the criminal justice system.

7 The veteran court programs which
8 have been initiated on a county-by-county
9 basis, thus far, are achieving each and every
10 one of these goals. Hence, the veteran court
11 programs are generally supported by the PBA,
12 and we are hopeful that their ability is --
13 viability are used in the future as well in
14 other counties.

15 Veteran courts are a response to
16 the growing trend, as noted by the PSAR
17 committee. Veterans appearing before courts
18 face charges stemming from substance abuse
19 and/or mental illness. Drug and mental health
20 courts have always served veteran populations
21 and have been very useful for them and shown
22 that traditional services do not always
23 actively meet the needs of the veteran, and
24 that is what is special about veterans court.

25 Further, most veterans are

1 entitled to treatment through the Veterans
2 Administration, and these courts are
3 specifically designed to provide that needed
4 connection between the veteran and those
5 services that are available, especially when
6 you're look at such conditions such as post
7 traumatic stress disorder.

8 Veteran courts are not only used
9 for that connection point but also give that
10 veteran a second chance in life.

11 The facts demonstrate that there
12 are approximately 23 million veterans in the
13 United States. There are approximately 1.7
14 million veterans of the Iran (sic) and
15 Afghanistan wars. Of these veterans, one in
16 five report symptoms of mental disorder.

17 With respect to substance abuse,
18 the effect of the recent wars in Iraq and
19 Afghanistan are evident. In the veteran
20 population of ages between eighteen and
21 twenty-five, one in four reports meeting the
22 criteria for substance abuse disorder.

23 In total, 1.8 million veterans
24 meet the criteria for having a substance abuse
25 disorder. Therefore, the need for the courts

1 are established by these statistics.

2 Further, it's estimated that as
3 many as one-third of the adult homeless
4 population has served in the military and that
5 at any given time there's 107,000 or so
6 homeless veterans.

7 This population mirrors the
8 general homeless population, in that 45
9 percent suffer from mental illness and 75
10 percent from substance abuse. Therefore, the
11 courts specifically designed to target the
12 veteran population and deter future criminal
13 activity and to get these veterans on the
14 right course are needed and just makes sense
15 throughout.

16 Although veterans are not more
17 likely to be arrested for committing a crime
18 than the general population -- than the
19 general population, veterans are becoming more
20 involved in our criminal justice system. Many
21 of these veterans struggle with mental health
22 and/or substance abuse issues.

23 In fact, it's estimated that 81
24 percent of all veterans involved in the
25 criminal justice system had a substance abuse

1 problem prior to incarceration. Thirty-five
2 percent were identified as suffering from
3 alcohol dependency, 23 percent were homeless
4 at some point in the prior year, and 25
5 were -- excuse me, 25 percent were identified
6 with some form of mental illness. Therefore,
7 the need to identify these individuals and
8 these veterans and obtain access for the VA
9 benefit that they may be entitled to is a
10 necessity. It's what we need to do for them.

11 As a result, the first veterans
12 courts were established in Buffalo, New York,
13 and similar programs were created in other
14 states, such as Nevada, Oklahoma, California,
15 and Alaska. There are currently twenty-seven
16 either state or federal jurisdictions that
17 maintain a veterans court in some form. I
18 have listed them for you. I won't read them
19 all.

20 However, no state has expanded its
21 veteran court programs to include each and
22 every county within that state or
23 jurisdiction. And that is an initiative that
24 needs to be addressed as well, especially in
25 Pennsylvania, since we have a very high

1 veteran population.

2 What makes these veteran courts
3 work is, as I alluded to, utilizing a holistic
4 approach to dealing with our justice-involved
5 infractions. The court creates a special
6 docket within the court system so that
7 individual's still brought in to be -- to
8 address the specific crime with individuals
9 that are identified as veterans, and if
10 they're charged with non-violent offenses,
11 they are given the opportunity to participate
12 in the veteran court programs.

13 They are still afforded the
14 opportunity to speak with attorneys, and they
15 are also given the opportunity to speak with
16 the VA to determine what would be the best
17 program for each individual soldier. So it's
18 not much of a cookie-cutter as it is an
19 evaluation process to make sure that the
20 veteran fits the needs of the program and that
21 the veteran is willing to comply with those
22 programs -- the program's needs.

23 Once that veteran is identified as
24 a potential candidate for the program, the
25 veteran is not only required to participate

1 but must make an affirmative gesture that he's
2 going to not only participate but do what is,
3 quite frankly, many times more than what is
4 required of probation.

5 And once this veteran is found
6 suitable, there are an array of VA benefit
7 programs that may include all types of things
8 such as alcohol or substance abuse treatment,
9 which the veteran is available to utilize.

10 Additionally, there are mentors
11 assigned to these veterans. And the mentors
12 assist the veterans in working toward a
13 successful resolution of the criminal charge,
14 including the change in lives that they will
15 have to meet to get back on the right track.

16 The mentors are not -- although
17 many of them may be attorneys, are not there
18 for legal advise. They're not there for
19 social counseling advice. They are there to
20 provide support for the veteran. The
21 voluntary mentors do not provide legal advice
22 or any type of therapy whatsoever.

23 And PBA supports the use of these
24 mentors, because we find that veterans have a
25 tendency to be able to relate better to other

1 veterans and assist the program immensely.

2 As mentioned before, these are not
3 the first types of specialty courts that have
4 been looked at. And like other diversionary
5 criminal programs, the goal of veterans court
6 is to have the record of the veteran expunged,
7 to help them move past their substance abuse
8 and mental health illness, which lead to or
9 contributed to the veteran's involvement in
10 the criminal justice system and to get their
11 lives back on track.

12 However, the veterans courts are
13 not a free pass for the veteran involved in a
14 program, as we discussed earlier. They're
15 usually required to do a little bit more than
16 someone just being placed on probation. There
17 is more of an affirmative action or
18 affirmative thought process they must be
19 engaged in.

20 The effectiveness of veterans
21 courts, albeit based on limited results of the
22 last few years, has shown the reduced amount
23 of recidivism among veterans has been
24 successful. This success may, in the long
25 run, save taxpayers substantial funds.

1 As we've noted earlier, it is
2 estimated that between 62 and 80 percent of
3 inmates in Pennsylvania prisons are
4 incarcerated for some drug-related crimes.
5 Each prisoner costs approximately \$97.72 per
6 day, or approximately \$35,000 a year, to be
7 incarcerated. However, the cost of diverting
8 each veteran to a -- that is successfully
9 selected into a veterans court program, the
10 cost is only \$7,000 per year, which is a
11 savings of approximately \$25,000 per
12 individual.

13 As a result, veteran courts
14 programs put veterans back on the right track,
15 prevents future crimes within the community
16 and saves the taxpayer money. In short, the
17 veteran court programs are basically a win/win
18 for everyone concerned.

19 In closing, the Pennsylvania Bar
20 Association thanks the committees for the
21 opportunity to testify and submit this
22 testimony. And should you have any questions,
23 I am more than willing to address them.

24 REPRESENTATIVE BARRAR: Colonel
25 Miller.

1 We will take questions at the end.

2 LIEUTENANT COLONEL MILLER: Good
3 morning.

4 Chairman Marsico, Chairman Barrar,
5 panelists, thank you for inviting me to speak
6 this morning.

7 My name is Lieutenant Colonel
8 Steve Miller. I'm a drill and guardsman and
9 attorney. I am the director of the Veterans
10 Law Clinic at the Pennsylvania Veterans Museum
11 in Media, Delaware County, in the armory.

12 I'm a member of the Veterans
13 Justice Initiative Task Force in Delaware
14 County, which has the stated goal of starting
15 veterans court in Delaware County by the end
16 of the year. I'm a former naval aviator,
17 still a guardsman with the 177th Fighter Wing,
18 where I do pro bono for our troops. And I do
19 work for airline pilots who are members of Air
20 Line Pilots Association, who have issues
21 regarding their guard or reserve status as it
22 relates to their civilian employment.

23 I came this morning to speak in
24 favor of legislation that would support the
25 veterans court system in Pennsylvania. I

1 realize that our current legal structure
2 allows for problem-solving courts
3 administrated by our supreme court, but I
4 think that the veterans court has some unique
5 attributes and requirements that warrant
6 specific legislation.

7 I will talk about four general
8 reasons briefly as to why I believe that and
9 then a few substantive issues that I'd like to
10 see incorporated in that scheme.

11 The general reasons would be a
12 show of legislative support, a mechanism for
13 funding, codifying policy and procedure, and
14 standardizing best practices. And the
15 substantive issues are a requirement for
16 education for all the involved parties and
17 also having a veteran in the decision-making
18 or the adjudicative loop.

19 As far as the general reasons, the
20 legislative support, the Pennsylvania general
21 assembly has a long legacy of veteran
22 support. There is already legislation or
23 pending legislation for preferential hiring of
24 veterans or military child care assistance.

25 There is pending legislation

1 sponsored by Chairman Marsico and Chairman
2 Barrar and others that would require veteran
3 membership on the Civil Service Commission.
4 That arose out of the fact that, over a period
5 of time, the auditor general had determined
6 that twenty-five agencies had filled five
7 hundred sixty-nine positions through the Civil
8 Service Commission without taking into account
9 any veterans who had applied.

10 According to Chairman Marsico's
11 memorandum reintroducing the legislation, the
12 memo states that there is a need for an
13 advocate who understands the challenges faced
14 by veterans and that a fellow veteran would
15 better serve the needs of our veteran
16 community.

17 Essentially, the chairman and his
18 co-sponsors identified that there's a system
19 that was designed to aid veterans, and that
20 system failed chiefly because it didn't have a
21 veteran in the decision-making loop, and
22 they're acting to remedy that.

23 So I would suggest that
24 legislation would further demonstrate the
25 Pennsylvania general assembly has a long

1 tradition of supporting veterans.

2 As far as being a mechanism for
3 funding, I met with Chairman Marsico and
4 Barrar and Mr. O'Leary and Mr. Boop in April,
5 and we discussed this. And at the time, U.S.
6 Congress had the SERV Act, which eventually
7 died in committee, which would have provided
8 for funding for veterans courts. That's
9 gone.

10 Congressman Patrick Meehan has
11 announced that he is going to introduce
12 legislation. In his press release, to that
13 effect, to quote him, he says -- the press
14 release is quoted as: Congress Meehan plans
15 to introduce legislation that will give
16 communities across the country access to
17 federal assistance to create veterans
18 treatment courts in their area and improve
19 existing veterans treatment courts. The
20 funding will come from federal dollars already
21 appropriated, and the bill will not require
22 any new spending.

23 Other states, in addition to the
24 federal funding and a conduit to funding by
25 having legislation supporting veterans courts

1 in Pennsylvania, other states which have
2 legislation have incorporated funding schemes
3 in them.

4 In your materials, I included the
5 legislation and summaries of the legislation
6 from, I think six states, which, by the way,
7 was compiled by the students of Widener's law
8 clinic. I'm grateful for their help.

9 I'll direct your attention, on
10 your own time, to those of Illinois and Texas,
11 who each attack the aspect of providing
12 funding, indigenous funding, through the
13 legislation for the courts.

14 So legislation would provide both
15 a conduit for their seeking distribution of
16 federal funds and could also establish other
17 funding schemes.

18 As far as legislation codifying
19 policy and procedure, currently Pennsylvania
20 has a veterans court system and a terrific
21 advocate in that system in our Supreme Court
22 Justice McCaffery, himself a combat veteran.
23 He has this program up and running or about to
24 be up and running in about a half dozen
25 different counties.

1 And right now, we have big
2 support. Our supreme court, I think every
3 member, from our chief justice throughout the
4 court, is either a veteran or has an immediate
5 family member who's a veteran.

6 We have tremendous public support
7 right now. We're engaged in two wars. We're
8 coming up on the tenth anniversary of 9/11.
9 But that enthusiasm and that public support
10 may not last. If we codify our current policy
11 and procedures, we can capture the current
12 brain thrusts, the current passion, the
13 current motivation that exists now for
14 posterity to ensure that the public service
15 that these people are providing now survives
16 the current public servants who are in these
17 positions.

18 And regarding standardization, my
19 county, Delaware County, has a rich tradition
20 of uniformed service in our bench and our bar.
21 I don't know that all of Pennsylvania's
22 counties share that privilege.

23 Standardization would help us and legislation
24 would help us capture the best practices that
25 are going on right now, not just in

1 Pennsylvania but in the four veterans courts
2 that have been identified as mentor veteran
3 courts throughout the country, the American
4 Bar Association's recommendations for best
5 practices for veterans courts, and it would
6 also make the system more defensible. It's a
7 legal entity, therefore there are potential
8 challenges ahead.

9 There have been challenges to it
10 in other states, usually based on a perception
11 of a status-based benefit or special treatment
12 for veterans. Victims' rights groups who
13 argue for retribution for the victims versus
14 rehabilitation for the defendants or just a
15 misunderstanding of the costs. As Mr. Payne
16 discussed, it is an economic benefit to have
17 these courts. And that's not always
18 immediately apparent to those to whom the idea
19 is introduced.

20 Standardization will enable us to
21 capture the best practices, and it's our
22 insurance against potential challenges to the
23 system, because it will allow us to put our
24 best mind in the development of the system,
25 and it will give the individual courts the

1 quality of quantity in defending their
2 systems.

3 Those are the general rationale
4 that I believe support having legislation to
5 codify a veterans court in Pennsylvania.

6 The two substantive issues I'd
7 like to see in that legislation would be
8 education and need for a veteran in this
9 decision process.

10 First of all, I think any
11 legislation ought to be permissive. It ought
12 to allow each jurisdiction to use its current
13 practices to the degree that that would be
14 permissible, and it ought to require, to the
15 least degree, that they adhere to any
16 particular pro forma.

17 Regarding the education, first of
18 all, it's a key component -- in fact, it's key
19 component number nine of the Buffalo policy
20 and procedures manual. And as Mr. Payne
21 alluded to, Buffalo was one of the first
22 veterans courts. They have a very mature,
23 very well developed veterans court. The
24 National Drug Courts Institute has identified
25 Buffalo as one of the four mentor veterans

1 courts in the nation. And their key component
2 number nine talks about education.

3 There was talk about the
4 volunteers and the necessity for veteran
5 volunteers to mentor these defendants through
6 the program. The Pennsylvania Supreme Court,
7 the administrator of problem solving, has
8 already begun developing an education program
9 for those mentors. That should be released on
10 the 19th of September, is the target date for
11 that.

12 I'd like to see education as a
13 requirement for all of the other participants,
14 for the DAs and public defenders, the private
15 practitioners, the judges, in the form of
16 continuing legal education. As I said, some
17 counties are richly steeped in uniformed
18 service, some are not. I think you need the
19 education as a unifying factor.

20 I'd like to relay a brief story, a
21 personal experience, that highlights this need
22 for education. I talked about that I direct
23 the veterans law clinic out at the
24 Pennsylvania Veterans Museum. I had a client
25 in that capacity, pro bono client, who was a

1 veteran of Iran and Afghanistan. He had
2 returned having suffered through five IED
3 attacks. He had been discharged and
4 undergone -- had undergone treatment through a
5 VA treatment facility, had been diagnosed with
6 post traumatic stress disorder and also a
7 traumatic brain injury and had run into, on
8 the civil side, the kind of legal troubles
9 that you might expect of a young man who had
10 been through these kind of issues.

11 In my dealings with opposing
12 counsel, at one point, opposing counsel made
13 the comment, you know, "You claim he's been
14 through five IED attacks. You claim he's a
15 wounded veteran. He doesn't look like a
16 wounded veteran." I was, obviously, taken
17 aback by the comment.

18 As I thought about it and
19 considered it, I realized -- and this is a
20 very competent, very conscientious, very well-
21 respected lawyer. It wasn't a cheap shot at
22 all. That attorney was absolutely correct.
23 This young man did not -- he had two arms, two
24 legs, both eyes -- did not appear to be a
25 combat-wounded veteran. I think that

1 highlights the need for education for all the
2 parties involved.

3 As far as having a veteran in the
4 adjudicative loop, a veteran decision maker,
5 it's consistent with veteran membership on the
6 civil service committee, as I quoted earlier,
7 Chairman Marsico's memo, that the need for an
8 advocate who understands the challenges faced
9 by veterans and their fellow veteran would
10 better serve the need in the veteran
11 community.

12 It would help alleviate, head off
13 at the pass, the problem of trying to set up a
14 system that's designed to aid veteran and have
15 it fail only because there is not a veteran in
16 the decision-making loop.

17 And to really -- a little bit of a
18 personal experience on that. Like I
19 mentioned, I help airline pilots out who are
20 guardsmen and reservists who are dealing with
21 their civil employers. In that capacity,
22 civil employers are sort of analogous to the
23 adjudicative decision maker. And where I see
24 problems is a lack of understanding by that
25 decision maker, where the manager or the

1 first -- the employer, and in many cases, the
2 veteran, typically not a post-9/11 veteran,
3 and doesn't recognize the vast changes that
4 have taken place in our military in the last
5 decade.

6 The guard and reserves are
7 carrying a much larger burden of the war
8 efforts, that it's no longer a weekend a
9 month, two weeks a year. At my guard unit, we
10 just returned from Iraq last year. I can tell
11 you, we have a requirement to go fly six times
12 a month. We have a number of training
13 deployments throughout the course of the year.
14 It's extremely onerous on these civilian
15 employers. And those decision makers are,
16 through a lack of understanding of what the
17 current guard and reservist are going through,
18 often make bad decisions regarding that.

19 I think that helps highlight the
20 need to have a veteran in the decision-making
21 loop of any veterans court scheme.

22 With that, I thank you for your
23 time. I offer my continued service to the
24 process.

25 I want to publicly get on the

1 record that I thank our Widener students --
2 Sloka (phonetic), Jim, and Dan -- who compiled
3 the information for me.

4 I'll direct your attention
5 specifically to some of the material. Like I
6 said, Illinois's law and Texas's law are both
7 included in the materials. They provide good
8 schemes for both whether or not you want to
9 include a funding component to the
10 legislation. Illinois also has a very robust
11 layout of the procedure and how the court
12 would work.

13 I'll direct your attention to
14 Buffalo's policy and procedure manual that's
15 in the material.

16 And I included two articles
17 written by Widener's professor Justin
18 Holbrook. The first one, Veterans Court Early
19 Outcomes and Key Indicators for Success, has a
20 great survey of each of the components of a
21 veterans court: who would be eligible, how
22 you would take that person in, what crimes
23 would qualify or not, what kind of treatment
24 programs you would use or not, and then
25 whether you expunge it, consider it a guilty

1 plea, or how you -- what the ultimate
2 determination of the situation is.

3 And then the table at the end of
4 the second article is the American Bar
5 Association's keys to success for a veterans
6 court system.

7 So, again, thank you. And I'll
8 entertain any questions at this time.

9 CHAIRMAN MARSICO: Okay. Before
10 we go to questions, I want to recognize
11 Representative Keith Gillespie and
12 Representative Tina Davis, who have joined the
13 panel. They're down this way.

14 Welcome and thanks for being
15 here.

16 Any questions from the committee
17 members of the panel?

18 Coming from the right, I don't see
19 any.

20 Representative Ellis.

21 REPRESENTATIVE ELLIS: Thank you
22 very much for coming today, gentlemen.

23 Colonel Miller, I just have a
24 questions, and I'm sure, in the packet, we
25 could find it. Just to get a general feeling,

1 you say that Texas and Illinois have very
2 successful programs or models.

3 LIEUTENANT COLONEL MILLER: Sure.
4 They -- like I said, I'm speaking -- they have
5 a legislation that's a good model legislation
6 to look at.

7 REPRESENTATIVE ELLIS: Do you know
8 when they started the courts, veteran courts
9 in those states?

10 LIEUTENANT COLONEL MILLER: In
11 those states, I don't know. The very first
12 one was actually Anchorage, Alaska, in '04.
13 Buffalo started theirs up in '08. So it's
14 more recent than that. It is in the current
15 period of financial austerity.

16 REPRESENTATIVE ELLIS: I would
17 assume there's a bunch of other states looking
18 into it as well.

19 LIEUTENANT COLONEL MILLER: There
20 are -- yes, there are a number of states who
21 have veterans court systems. There are only a
22 handful that have legislation on it.

23 REPRESENTATIVE ELLIS: And the
24 last question I had, you emphasized how
25 important the education component is. And

1 what I'm trying to understand, does that
2 education component include the veteran or
3 education to the courts and the DAs and
4 everybody so they understand how to administer
5 the programs? What did you mean by that?

6 LIEUTENANT COLONEL MILLER: Sir,
7 specifically, I meant the -- not the veterans,
8 in what I was referring to, but the personnel
9 involved in the court, the lawyers.

10 We have twelve continuing legal
11 education credits that are required of us
12 every year. I think in that scheme, there
13 ought to be a requirement, if you're going to
14 participate in this system, you have an hour
15 or so that would count towards that
16 specifically on these issues, and I
17 highlighted that with the example of the
18 lawyer who is very good at what she does, but
19 through a lack of education on the issues,
20 reached a very bad conclusion in our case.

21 REPRESENTATIVE ELLIS: Thank you
22 very much.

23 CHAIRMAN MARSICO: Any other
24 questions?

25 Representative Barbin.

1 REPRESENTATIVE BARBIN: Thank you.

2 I had a question for Mr. Payne.

3 The -- when these systems are set
4 up in the other -- there were, maybe, twelve
5 counties that have started on this path. When
6 you say "veterans court," isn't that a
7 misnomer? Because under our constitution,
8 don't we have the power in each of the county
9 courts to have different divisions? Because
10 it sounded like, when you provided testimony
11 before, that what you really needed to have a
12 veterans court was to have a separate docket
13 and a separate way for the judges and those
14 counties to deal with the system.

15 Would it require a separate court
16 or a separate judge? Or could we use the
17 judges that are assigned in a different
18 division?

19 MR. PAYNE: If I misstated that, I
20 will rephrase it slightly. No, you do not
21 need a separate judge or a separate system. A
22 separate docket is just what it is, a docket.

23 Anyone who's participated in any
24 court proceedings realizes that any judge has
25 a number a dockets that he'll run, whether

1 it's a criminal, divorce docket, civil
2 docket. And creating a special veterans court
3 docket only isolates the cases into a
4 grouping, just like any other grouping that
5 our courts are allowed to create. That is
6 correct. And that's why most specialty courts
7 are started at county level, for that very
8 reason.

9 REPRESENTATIVE BARBIN: With the
10 mentors that are suggested for this type of
11 program, are they compensated at all?

12 MR. PAYNE: Mentors? No. Mentors
13 are not compensated. They are volunteers.

14 REPRESENTATIVE BARBIN: And given
15 the numbers that you provided in the earlier
16 part of your testimony, we have big problems,
17 highest rates of suicide rates, PTSD,
18 traumatic brain injury, homelessness. Doesn't
19 it make sense that maybe our resource that
20 normally go for bonuses, things -- war
21 bonuses, things like that, couldn't we use
22 those for -- to license people as mentors? Or
23 what would be your comment on that? Would
24 that be an effective way that we could use our
25 resources to get people trained?

1 MR. PAYNE: My first comment is
2 that the PBA has not taken a specific position
3 on that. Looking into it, how to budget or
4 the resources are used within the system are
5 going to be the decision by the courts, so the
6 decision on how to do that.

7 I would agree with you that an
8 ounce of prevention is truly worth a pound of
9 cure. And that's what these courts provide.
10 They provide the intervention to prevent
11 future issues. And those mentors are a key
12 component.

13 And I think you might actually
14 lose something along the line, because most of
15 these veterans -- I mean, most of these
16 mentors are veterans, and that is the
17 connecting point between the veteran that's
18 involved in the criminal justice system and
19 this mentor. They have that sort of
20 similarity.

21 If you can bring that through with
22 other forms of mentors, who are paid or
23 unpaid, that would be great. But you just
24 can't lose that element.

25 REPRESENTATIVE BARBIN: What I'm

1 thinking of is, we have something called
2 foster grandparents. And while it isn't a
3 job, it is a stipend to those people that were
4 the best suited to help kids. I don't know
5 why we couldn't do the same thing with
6 veterans.

7 MR. PAYNE: I'm not aware of this
8 program.

9 REPRESENTATIVE BARBIN: That's
10 it.

11 CHAIRMAN MARSICO: Chairman
12 Barrar.

13 REPRESENTATIVE BARRAR: Thank
14 you.

15 Colonel Miller, I want to thank
16 you for your collection of data here for us.
17 This is very helpful.

18 In one of your testimony -- I'm
19 not sure, I think it might have been
20 Mr. Payne -- you had mentioned that violent
21 criminals are excluded from acceptance in this
22 program, or is that yet to be determined?

23 MR. PAYNE: I did not say violent
24 criminals are excluded. I said nonviolent are
25 usually what you're looking to target. That

1 is -- so sort of a basic premises is looking
2 for someone that -- essentially along these --
3 there are drug-related-type incidents or
4 mental-illness-type issues that assistance can
5 be granted.

6 So you're -- normally, those are
7 going to be your nonviolent type of
8 incidences. There are different programs in
9 different states that may be very different,
10 vastly differently, and within Pennsylvania
11 itself, each different county gets to draw its
12 own line, because we have specialty court
13 dockets. So what may qualify in Delaware
14 County may not qualify in Philadelphia County.

15 REPRESENTATIVE BARRAR: Colonel
16 Miller, in the five -- I think five or six
17 states that you basically had given us as how
18 to model legislation, do the other states all
19 accept violent criminals into the -- into that
20 program, or do any of them exclude them?

21 LIEUTENANT COLONEL MILLER: Some
22 do, some don't. I'll draw your attention to
23 the first Widener article that's in there, The
24 Veterans Courts Early Outcomes, and on page
25 twenty-six, it actually addresses this. This

1 is a survey of which type of offenses are
2 included or not. It talks about the different
3 percentages of courts that include and exclude
4 things.

5 Something it gets to is, when you
6 get into not necessarily violent crimes, but
7 violent crimes that have victims' rights
8 groups -- domestic abuse, crimes against
9 children -- there have been challenges to
10 these court systems by those groups. So most
11 of the courts leave those things out.

12 And other things, like drug use,
13 that's in. Drug manufacturing and
14 distribution, in many courts, that's out. You
15 know, that's not really a product of post
16 traumatic stress.

17 So there is a -- it depends on how
18 each state defines its different crimes. Most
19 of them include some degree of even violent
20 crimes and felonies, most of them exclude
21 little specific parts, like felony domestic
22 violent or crimes against children.

23 REPRESENTATIVE BARRAR: Okay.
24 Thank you.

25 That's all I have.

1 CHAIRMAN MARSICO: Thank you.

2 Thank you to both of you for being
3 here, your information and being here today.

4 For the information of members,
5 members of the public, we have testimony on
6 the back table under the flags, your
7 testimony, but also Colonel Miller's very
8 comprehensive and extensive testimony is
9 available electronically as well. This is,
10 what I've seen so far, it is a very well-
11 prepared report. We thank you very much for
12 your leadership on this issue.

13 LIEUTENANT COLONEL MILLER: You're
14 welcome, sir.

15 CHAIRMAN MARSICO: Okay. Thank
16 you.

17 Moving on to our next speaker, we
18 have Mr. Brian Courtney.

19 Mr. Courtney is a veteran who has
20 recently graduated from the Philadelphia
21 veteran court.

22 Mr. Courtney, welcome. You may
23 proceed.

24 MR. COURTNEY: Thank you.

25 Ladies and gentlemen of the

1 committee, I was asked to speak here today,
2 and I prepared something. And I'm a little
3 bit nervous here, so I'm going to read this
4 and see how well it goes.

5 I have been asked to speak here
6 before you on my experience with Philadelphia
7 veterans court. Let me first say that upon
8 receiving an e-mail asking me of my interest
9 in appearing before you, my first thoughts
10 were that I'd be delighted to try and help in
11 any way that I could.

12 However, after replying to the
13 e-mail and talking on the phone with Mr. Kane,
14 I think reality set in and I had to ask
15 myself, What have you done now? What could
16 you possibly have to say to these distinguish
17 people?

18 In truth, it's really very
19 simple. What I've gotten from my experience
20 with veterans court is a profound hope. And
21 I'm expressing this to you in a way that may
22 benefit others is the challenge that I see set
23 before me.

24 In talking with Mr. Kane, I
25 believe it best to start with what brought me

1 to veterans court in the first place.
2 Basically, it was my long-term struggle with
3 addiction. Today I'm aware of some of the
4 events that played a part in my self-
5 medication.

6 Besides the turmoil and drug
7 culture of the '60s and early '70s, I enlisted
8 in the Navy at the age of seventeen. Becoming
9 a Navy diver, my duties at times exposed to me
10 what all could I say at this time were
11 traumatic events.

12 I know now that I dealt with these
13 by suppressing my emotions at the time,
14 thereby creating a struggle within myself. A
15 struggle that at different periods of my life
16 I sought help through various treatment
17 programs and also twelve-step groups. Several
18 times I was able to attain a few years
19 abstinence but always I would end up
20 relapsing.

21 I believe it was in March of 2004
22 that I was first introduced to the VA medical,
23 where I went to SATU, and that's Substance
24 Abuse Treatment Unit, at VA medical,
25 Coatesville, Pennsylvania. At this time in my

1 life, I was homeless, as in other times.
2 Homelessness being one aspect of addiction.

3 From SATU, one could go on into a
4 domiciliary program for homeless veterans,
5 this program being geared towards teaching job
6 search skills along with further addiction
7 recovery groups. It was at Coatesville that I
8 first became aware of PTSD, post traumatic
9 stress disorder. Honestly, at first, I
10 believed it was some kind of scam that vets
11 were using in an attempt to get paid by the
12 government.

13 However, I would attend a separate
14 twelve-step group for PTSD facilitated by now
15 my good friend Rabbi Phillip Goodman. This
16 group was not a part of the doms program but
17 available to all that were interested in
18 seeking help. Rabbi Phil would also take time
19 out of -- out by himself and counsel me, as
20 would my own catholic chaplain.

21 I had long known that addiction is
22 really a symptom of some underlying --
23 underlying cause, and I was beginning to
24 believe that maybe, in fact, psychiatry
25 understood what mine might be in PTSD. I

1 found out that the VA offers treatment in this
2 area, that is for post traumatic stress
3 disorder, at Coatesville and other facilities
4 throughout the country.

5 I put in a request for help
6 through the dom treatment team program to go
7 to New York. I was turned down. And I
8 remember being told by the administrator of
9 the dom, "Brian, I believe you have PTSD, but
10 we believe it best you stay here." I felt
11 betrayed and equated their solution as to
12 putting a Band-Aid on a wound requiring
13 sutures.

14 Needless to say, I left
15 Coatesville and returned to Philadelphia to do
16 things my own way. I was still homeless and
17 lived on the streets and would go to the
18 non-profit organization, the Philadelphia
19 Veterans Multi-Service and Education Center
20 during the day.

21 At that time, VA medical rented
22 space from them on the second floor, and I
23 could see a therapist and attend recovery
24 groups there.

25 The third floor is called the

1 perimeter and is a day center for homeless
2 vets. The fourth floor has computer education
3 and job counselors for out-of-work vets.

4 My sobriety was precarious at
5 best. I would make half-hearted attempts but
6 never anything more than a few weeks.

7 Ladies and gentlemen, to make a
8 long story short, my addiction to illegal
9 drugs graced me with the opportunity to get
10 room and board at the Philadelphia Prison
11 System at State Road in Philly to await trial
12 on a possession charge.

13 During one appearance at regular
14 court, I remember my lawyer talking to the
15 judge about some program that had a long
16 waiting list. Now, with the time I already
17 had in jail -- spent in jail, I don't think
18 that if I was sentenced, I would have done but
19 maybe a couple -- an additional two months.
20 It was at this hearing that the bailiff had a
21 word with the judge, and His Honor then stated
22 that he was transferring my case to veterans
23 court.

24 I went back to PPS, where, for
25 me, the strangest thing happened. I received

1 a visit from Rebbecca Hicks of the
2 Philadelphia VA medical, who was to be my
3 liaison to veterans court.

4 Now, addiction and PTSD have one
5 thing in common, and that is isolation.
6 Having someone to show up at jail, telling me
7 they were there to assist me in my court
8 appearances was quite a shock to me.

9 I still remember my first
10 appearance in front of Judge Dugan and him
11 asking me how I liked jail. I could only tell
12 him truthfully that they were treating me
13 better than I had been treating myself.

14 He had me released from PPS on the
15 condition of court supervision and VA
16 direction. Through the help of Mrs. Hicks --
17 Miss Hicks, I have gotten help for both my
18 addiction and PTSD.

19 There is one incident of great
20 importance I would like to relay to you
21 concerning one of my court visits. I remember
22 waiting my turn to be called and seeing this
23 one young man who had what I call a "don't
24 give a damn" attitude all about him, something
25 of which I'm well acquainted. I knew by his

1 age he was a vet of one of our most recent
2 conflicts, either Iraq or Afghanistan. I
3 could tell by the conversation going on in
4 front of the bench that this young man was in
5 hot water with the judge for missing
6 appointments or something like that.
7 Experience told me judges don't tolerate bad
8 attitudes.

9 Then the strangest thing happened.
10 There was a recess or what I thought to be a
11 recess. When court resumed, I realized Judge
12 Dugan had taken this young man back, maybe to
13 his chambers, and had a talk to him. I don't
14 think it was a scolding but a "one vet to
15 another" type talk, because this young man's
16 whole demeanor had changed and became
17 positive.

18 At PVMSEC, the motto is Serving
19 Those Who Served. Here it was in action in
20 our city government. Also, for me,
21 personally, veterans court allowed me the
22 freedom to take responsibility for my actions
23 and my own recovery.

24 Ladies and gentlemen of this
25 esteemed committee, today I'm not only

1 volunteering in computer classes at PVMSEC, I
2 attend weekly meetings of a group named
3 Adeodtus, a spiritual support group for
4 ex-inmates. In this group, we are starting to
5 explore programs about restorative justice. I
6 told them that if they wanted to see
7 restorative justice in action, visit
8 Philadelphia veterans court.

9 Ladies and gentlemen, I'm not an
10 educated man. I think of the nickname of our
11 great state, the Keystone State. I never
12 really understood this until my experience
13 with the law. To me, the three branches of
14 government -- the executive, legislative, and
15 judicial -- it is the judicial, the judiciary
16 that is keystone. It is the branch that makes
17 the others work.

18 Ladies and gentlemen, today I
19 maintain a modest room one block away from
20 Independence Hall. On the corner of my block
21 is where Thomas Jefferson penned the greatest
22 document to date. This Sunday, our Commander-
23 in-Chief will honor, in a field in western
24 Pennsylvania, men and women who were our first
25 combatants in our ongoing struggle for

1 freedom.

2 May your work here today continue
3 to bring hope to veterans in their personal
4 struggles.

5 Thank you for the honor and the
6 privilege of appearing before you today.

7 REPRESENTATIVE BARRAR: Brian,
8 thank you for being here. And God bless you
9 for your testimony and your honesty. And I
10 know that was not easy. (Applause.)

11 Can I ask you a quick question?
12 From the time you were discharged from the
13 Navy to when you first got in trouble, what
14 was that trail like? What was your life like
15 coming to that point?

16 MR. COURTNEY: Yeah. I always
17 looked -- it was always a hard time adjusting,
18 you know.

19 And I didn't know Judge Dugan was
20 going to be here today. I'm a little bit
21 embarrassed. But I can remember him saying
22 early on, listening to this man, and seeing
23 what was going on here before me, but he
24 brought up the statement that what he'd like
25 to do for all the veterans is to give us back

1 our sense of pride that we had, you know. And
2 that hit me a lot, about the sense of service,
3 you know. And I had lost that.

4 I try not to live with regrets
5 today, but I know how much I loved being in
6 the military. I did it extended times. And
7 it was hard to adjust outside. I -- even
8 today, I continue with my struggles, but I
9 have hope. And, especially, with veterans
10 court, I'm looking to get into the mentoring
11 program in November, go through the training
12 for that, to give back.

13 And also, through -- with the
14 Adeodtus, when I saw that in court there, I
15 saw the opportunity to take it in to other end
16 of the court besides the veterans, and often
17 guys that are just struggling out there, you
18 know, that aren't into violent crimes just
19 with addiction or things like that, there is
20 hope, you know.

21 So it's been a tough road. But,
22 you know, through the groups that I attend and
23 the support I get, veteran court and other
24 things -- I wanted to mention, again, the
25 Philadelphia Veterans Multi-Service and

1 Education Center.

2 They have a program that members,
3 right there, called the -- I brought the
4 information to give to you all -- incarcerated
5 veterans transition program. And this
6 organization is a wonderful thing. It started
7 years ago in the '80s, you know. A couple
8 veterans were down at the Philadelphia -- when
9 they were dedicating the memorial to Vietnam
10 and now they have so many vets, and they're in
11 the courts, every week, at veterans court, and
12 they have programs that help guys out.

13 So --

14 REPRESENTATIVE BARRAR: Your
15 treatment at Coatesville was pretty good?

16 MR. COURTNEY: Well, I'll tell
17 you, I -- Miss Hicks, you know, when judge
18 released me, Miss Hicks was going to have me
19 go into the Philadelphia outpatient program.
20 I was on the streets, and I went to it and I
21 said, "Rebecca, maybe you'd better get me up
22 to Coatesville."

23 But the last time I was there,
24 they just started SATU, and the first SATU,
25 and then -- that's 39A, but 39B was dual

1 diagnosis. And VA being what it is, I said,
2 "Now, make sure they're getting me in dual
3 diagnosis," you know. And the day I got up
4 there, that's not where they had me. And you
5 know, my first thought was to turn around and
6 leave. And I said, "You made a commitment.
7 Give it a try. One day at a time."

8 And through going there and then
9 coming back to Philly and with Rebecca, you
10 know, doing outpatient for my PTSD at
11 Philadelphia VA, this was an ongoing thing.
12 So, yeah.

13 I know that Coatesville does have
14 a PTSD dom up there, you know, so it's going
15 on. I found that I'm getting everything I
16 need on an outpatient basis. So right now
17 everything's great.

18 REPRESENTATIVE BARRAR: Okay.
19 Thank you for being here today.

20 I'm going to ask the other
21 chairman, does he have any questions?

22 Any of the members, questions?

23 I want to thank you for being
24 here. It means a lot for us to hear your
25 testimony. It was exactly what we were

1 looking for, and I thank you for that.

2 MR. COURTNEY: Thank you.

3 REPRESENTATIVE BARRAR: Our next
4 testifier is the Honorable Patrick F. Dugan,
5 judge on the Philadelphia Municipal Court.

6 Judge Dugan, welcome.

7 JUDGE DUGAN: Thank you. Thank
8 you for having me.

9 Mr. Chairman, members, this is
10 awesome that you're having this hearing. And
11 I probably couldn't have said it any better
12 than Brian just said it. He kind of laid out
13 what we try to do in Philadelphia veterans
14 court.

15 Little bit about my background. I
16 have many titles, and one of them you just
17 said, Honorable, but the title that I cherish
18 the most is sergeant. I'm still in the
19 military. I'm a commissioned officer now in
20 the JAG Corps. But I had been in civil
21 affairs, enlisted, when I went to Iraq. I was
22 also an enlisted sergeant back in '80s with
23 the 82 Airborne Division, as an infantryman.

24 So the title sergeant means more
25 to me than any other title. I've actually

1 asked my children to please put that on my
2 tombstone.

3 And that's what I try to bring
4 into the courtroom, because we bring in a
5 docket of veteran defendants. These are folks
6 who now have allegations of criminal activity
7 and are brought in front of me. And in
8 Philadelphia, we have obviously a high volume
9 of cases. As a municipal court judge, I
10 probably oversee two hundred fifty to three
11 hundred cases a week. So, in a year, we're
12 talking about eight thousand cases. So we
13 have to learn to do things in a very quick
14 manner, to look at people.

15 When these defendants are in front
16 of me, every day I have people slouching,
17 sleeping, wanting to read their paper. So a
18 big struggle for a judge is to get control of
19 the courtroom, when you have folks who are
20 used to the system.

21 In veterans court, when I open up
22 and I start speaking to the veteran
23 defendants, I tap into their military
24 background. I remind them, and I like to
25 remind everyone in society, that at some point

1 prior to these allegations, these are the best
2 that we have in our nation. These are folks
3 who have stepped up, put the uniform on, and
4 said to United States government, "My name is
5 on a blank check. And if you want to cash it,
6 cash it."

7 Whether you served in Fellujah or
8 Vietnam or Afghanistan or Korea or South
9 Dakota or New Jersey, it doesn't matter. If
10 you weren't called to go overseas to fight in
11 a conflict, okay, you were lucky that that
12 didn't occur. You are still here. Everyone
13 that's put the uniform on, military service,
14 has said to the U.S. government, "I'm willing
15 to give my life for this nation."

16 And that's what I tap into these
17 guys. I say, Think back to when you graduated
18 from basic training, boot camp, or whatever
19 service you were in, and the pride that you
20 had. And that's what I try to tap into.

21 And the changes. In all my other
22 courtrooms, it's extremely rare to see
23 somebody come up and actually stand at
24 attention or parade rest, or say "yes, sir" or
25 "no, sir" to me as a judge. And that

1 infuriates me in other rooms. It absolutely
2 does.

3 But these guys, after they come
4 into the room, and I explain to them what
5 we're there for, the attitude changes. It's
6 amazing the transformation.

7 So that's what I see goes on in
8 what we call veterans court.

9 And the question about the
10 dockets, I agree. It can be -- it really is
11 truly a docket of just grabbing these folks
12 who have military background and putting them
13 on the same docket so that we can then
14 streamline whatever the outcome of the case
15 is.

16 We have the VA in the room. In no
17 other criminal courtroom do I have services in
18 my room. But I have the VA in the room. So
19 if the guy's going to get some type of
20 services, some kind of drug treatment, right
21 there in the room is Miss Hicks or Cynthia.
22 They're right there. They make the
23 connections with people like Brian right
24 away. It's not three weeks later. It's not a
25 month later, make an appointment where it's

1 somebody they don't know. The folks from the
2 VA get to know the veteran defendants, and
3 they get to know them on a personal basis.
4 That is the big key for me.

5 The veteran defendant that comes
6 in the room, when he gets in the program at
7 the VA, that's the federal government who's
8 picking up the tab now. It's not the county.
9 It's not the commonwealth. It's not the city.
10 It's the federal government. And it's not a
11 handout. It's benefits earned. They've
12 already earned them.

13 I see defendants who come in my
14 courtroom more who are recent -- who recently
15 returned from Iraq or Afghanistan and they're
16 lost. They have the arrest. "What are you
17 doing with your life?" No job. "You going to
18 school?"

19 "No. Why?"

20 "Because you have VA educational
21 benefits that will pay you \$1700 a month to go
22 to college full time. The light goes off.
23 Some of them don't know it. So they get
24 connected through the VA with education
25 benefits. So just the fact that they come in

1 my room, whether the outcome is guilty or
2 probation or an ARD or some other type of
3 diversion, whatever occurs, that veteran has
4 been connected to the benefits that he's
5 earned, regardless of the outcome. And that's
6 not happening anywhere else in the system. Or
7 it's a very proactive judge who's getting that
8 to happen, but I'll tell you that most judges
9 will say that it's very difficult to deal with
10 the VA. It truly is.

11 We've cut the red tape and
12 bureaucracy out. They're now in our room and
13 they're assisting us. I'm not saying they
14 were ever hurting anybody, but it's just a
15 huge bureaucracy.

16 The folks that Brian mentioned,
17 Multi-Service Center, these are all the
18 private organizations that come into my --
19 they're in my courtroom every week. They are
20 there to assist the veterans.

21 Some folks are not eligible for
22 the VA, whether it's discharge, whether
23 it's -- they served in the reserves, but they
24 didn't go overseas ten years ago. Prior to
25 the current conflict, reservists aren't

1 eligible for the veterans to use the Veterans
2 Administration facilities, et cetera. So
3 there are certain categories.

4 We still take them into vet court
5 and we find them other programs. And one of
6 them is the Department of Behavioral Health.
7 They step up and they take our non-eligible
8 veterans, non-eligible VA veterans, and assist
9 them in a program. Generally speaking,
10 they're drug or alcohol or an anger management
11 type case.

12 The -- and I apologize, I didn't
13 have anything prepared. I was actually on
14 vacation, and today I was scheduled to be in
15 the homicide room, so I didn't know I was
16 going to be here. But when my president judge
17 got word, she said, "No, go out." So, if you
18 allow me, I will send you some more-prepared
19 statements.

20 But, the -- these folks -- these
21 other organizations that come and help us have
22 been fantastic. The mentors, volunteers.
23 Volunteers are great.

24 One of the things I wanted to ask
25 for was, Yes, I would love funding to pay some

1 mentors. And, obviously, it would be best if
2 they're veterans, because it's the veterans
3 connection, that's what works in veterans
4 court. The veteran lingo, it's that you
5 understand each other. You both served.
6 You've been there, you've done that. And now,
7 the veteran defendant will open up more to a
8 veteran than he will a non-veteran. It's in
9 any walk of life. If you're a dentist, you're
10 going to sit around and talk about what
11 happens at a dentist office. It's the same
12 thing.

13 As a former paratrooper, I can
14 talk to guys who served in the Army. It's
15 just -- it's common sense. And mentors are
16 fantastic with that. They come in and help us
17 out.

18 It would be awesome if I had some
19 funding that I could have a couple of guys get
20 paid, that I could have them full time down
21 there, as opposed to volunteers who --
22 sometimes it's difficult for them to come to
23 court all the time. Again, it's volunteer.
24 How much time can they give us? There's only
25 a few people that can give it all the time.

1 So I would love to have money for -- for
2 veteran mentors.

3 We're just -- we're just starting
4 to get a dedicated probation officer, which
5 will certainly help us a lot.

6 The -- I can't say enough about
7 the VA staff. Miss Hicks and Cynthia, what
8 they do is amazing, but they're getting
9 overwhelmed.

10 Philadelphia, I believe, serves
11 some other counties, and we're getting to the
12 point where -- we have over, maybe, two
13 hundred fifty active cases right now, so
14 pretty much the young ladies from the VA have
15 two hundred cases that they have to handle
16 just from my courtroom alone, plus their other
17 jobs that they have out there. So they're
18 getting overwhelmed.

19 And I see it getting more and
20 more, because as this gets known, there's more
21 attorneys who are saying, "Hey, I have a
22 defendant who served. Can we get him in your
23 courtroom?"

24 The district attorney, in
25 reference to the violence question, while we

1 are not out there seeking the crimes that are
2 violent, they can come into our courtroom, but
3 the district attorney will talk to the victim,
4 get the victim's input before they come in and
5 say, "Okay. Judge, we want the case in that
6 room."

7 Sometimes we will have a
8 conversation with the victim off to the side
9 saying, These are things that we can do. And
10 generally speaking, the folks will come
11 around. And if there are issues that come up,
12 then we will move that defendant out of
13 veterans court into a regular docket, if there
14 becomes a lot of issues with it.

15 The supreme court, I mean, I know
16 that they were brought up, but Chief Justice
17 Ron Castille, as everyone knows, is a Marine
18 Corps veteran who lost a limb in Vietnam.
19 Justice McCaffery served decades in the
20 military. They've just been outstanding.
21 They've been pushing from the top down, and I
22 love it because we're getting as much support
23 as we possibly can to continue the veterans
24 court.

25 The counties that are now adding

1 it, they've come into our courtroom. They're
2 picking up some things that we're doing.

3 Judge Russell, from Buffalo, came
4 down, was outstanding with some of the points
5 that he gave us, his guideline. Somehow we
6 had actually adopted many of the things that
7 he had already had out there, so we feel we're
8 still going in the right direction.

9 We still have a lot of kinks to
10 work out. We've been going seventeen months,
11 and, again, we've had well over three hundred
12 fifty cases that we've actually done. We've
13 had a hundred and three graduates. We have
14 another twenty-four that are slated to
15 graduate in November.

16 If you want to see, if you're on
17 that -- on that line whether or not veterans
18 courts should continue to be an epidemic, then
19 I'd invite you to come to our graduation, the
20 day before Veterans Day, November 10th, at
21 10:00 a.m., in the Criminal Justice Center,
22 and you will see why, when I was listening to
23 Brian, I teared up, and why I tear up at a
24 graduation, because of somebody standing up
25 and saying, "Judge, I got in trouble. I came

1 to court with an attitude. And then you
2 hooked me up with my VA benefits, and, while
3 I'm still on probation, and I still have to
4 come to your court, I still have to urinate in
5 a bottle, but I'm now going to Temple. And
6 I'm getting \$1700 a month."

7 And when there's folks like that
8 are standing there saying how much you changed
9 their life, I don't get to hear that a lot, so
10 it's something that I certainly advocate and
11 hope that, you know, we can continue to push
12 this throughout the commonwealth.

13 Any questions?

14 And I appreciate you for letting
15 me come out and speak.

16 CHAIRMAN MARSICO: Questions from
17 the members?

18 JUDGE DUGAN: You know what -- I'm
19 sorry -- there's one other statistic that -- I
20 had to ask one of the administrators to give
21 me some statistics about the court.

22 Of the cases that go to the VA,
23 she's telling me 91 percent have either mental
24 health, substance abuse, or dual diagnosis
25 issues. Ninety-one percent of the folks that

1 are going to the VA from my courtroom have
2 those issues.

3 Forty percent of our defendants
4 are combat veterans. Of those, 44 percent are
5 Vietnam veterans, 31 are the more recent
6 conflicts; Persian Gulf, 18; Korea, 2 percent.

7 And I will tell you that I
8 definitely look at a veteran differently, but
9 I expect more out of him. I am more likely
10 to -- to kick them out of the program or to do
11 something else to them because they're a
12 veteran, because I know they have it in them.
13 I know they can stand up and do more than a
14 typical defendant that I have.

15 And, again, I thank you for having
16 me here this morning.

17 CHAIRMAN MARSICO: Representative
18 Hackett.

19 REPRESENTATIVE HACKETT: Thank
20 you, Chairman.

21 Sergeant, thank you for your
22 testimony here today.

23 Just have one question, and kind
24 of open-ended. Do you see the veterans court
25 docket and its success helping to steer maybe

1 other court dockets down the road?

2 JUDGE DUGAN: If what I -- if I --
3 and I'm not sure if this is what you're asking
4 me -- if I had a -- if I had a mentorship
5 program in every criminal courtroom, if you
6 gave me a -- let's say, an Irish American male
7 in my docket when I have Irish American males
8 as my defendant, and they can relate to that
9 young man that's in front of me, I think that
10 would be a super success. It would definitely
11 help the recidivism go down, because many of
12 the defendants coming in are lacking
13 direction, lacking somebody steering them.

14 If we could link them -- link the
15 typical defendant up with a mentor who can
16 show you how to go back to school to get your
17 GED -- now probation officers, they're
18 overwhelmed. They really are. And I know
19 it's set up that they should be trying to do
20 that and they do, but they're still the man,
21 they're still the law. If we can have a
22 friend or a mentor that is like the typical
23 defendant that comes in my courtroom, I think
24 we would have fantastic success in terms of
25 recidivism.

1 And I'm not sure if that's --

2 REPRESENTATIVE HACKETT: So, in
3 your opinion, the mentorship is the basic
4 success.

5 JUDGE DUGAN: The mentorship,
6 yes. The mentorship and the services in the
7 room.

8 Same thing, typical case of some
9 kind of drug possession case in Philadelphia,
10 and you are on probation. You know, you plead
11 or whatever it is. You get probation. And
12 getting through -- you have to go to a drug
13 program. So, all right, sign up for a drug
14 program. You're going to go to Gaudenzia
15 House or whichever other program there is.
16 They're not in the room with me. They're
17 setting it up through probation through their
18 attorney. So that's three weeks later.

19 I don't say, "Here's the social
20 worker right here now. Link up with that
21 person." Or, "Here's the mentor." If they
22 were in my room, it would go much smoother, I
23 believe.

24 REPRESENTATIVE HACKETT: Thank
25 you, Sergeant. Thank you for your service.

1 JUDGE DUGAN: Thank you.

2 CHAIRMAN MARSICO: Representative
3 Barbin.

4 REPRESENTATIVE BARBIN: Thank you,
5 Sergeant.

6 The program that you have in
7 Philadelphia, it sounds like it works because
8 you've got the federal government, at least --
9 for the people that are coming out, we know
10 that there's three hundred some thousand
11 people in Iraq and Afghanistan that are going
12 to have some problems with PTSD or traumatic
13 brain injury, and those people can end up
14 being the ones that have drug addiction
15 problems and bring them into the court.

16 What I'm wondering about is, I've
17 heard in the past that the drug court model is
18 the type of model that we're using in veterans
19 court, where you basically suspend whatever
20 the charges are on the idea that you meet
21 whatever the program is that your mentor or
22 the VA come up with. And at the end of the
23 process, the charges don't hang like a stigma
24 to keep the veteran from getting a job.

25 What happens in your program to make

1 sure that a person who does make it to
2 November 10th and graduates doesn't have the
3 stigma problem keeping him from getting the
4 next job?

5 JUDGE DUGAN: Well, unfortunately,
6 some of them still have the stigma. Some of
7 them do, based on their record or the nature
8 of the crime, they will actually plead
9 guilty. If they want a trial, the trial won't
10 be in front of me. They'll just go on the
11 regular docket. But, unfortunately, there are
12 some that -- it's based -- again, based on the
13 nature of the history that there's not many
14 options, and the district attorney and
15 sometimes myself won't go along with just
16 allowing somebody to come in.

17 Even those who we turn away, we
18 still connect them with the VA or the Multi-
19 Service Center or the other programs, so we
20 still, before we, again, send them down the
21 hall or somewhere else, we make sure that we
22 connect these veteran defendants with some
23 type of services.

24 REPRESENTATIVE BARBIN: What I am
25 asking, though, is more specific. There are

1 some that are going to come into your program
2 and you're going to not sentence them to
3 probation, to hold it open.

4 JUDGE DUGAN: Sure.

5 REPRESENTATIVE BARBIN: With those
6 people, is expungement a possibility?

7 JUDGE DUGAN: Oh, yes.
8 Absolutely. Absolutely. Yes. Expungement is
9 definitely -- and the district attorney -- the
10 district attorney of Philadelphia is on
11 board. The gentleman who handles the cases
12 for the district attorney is actually a Marine
13 Corps veteran. The public defender is not.
14 So, you know, slotting veterans in these
15 positions is a good idea. But it's not --
16 it's not mandatory.

17 The person that, you know, I want
18 to follow is Judge Russell. And Judge Russell
19 would be the first person, from Buffalo, who
20 has not served in the military, but his right-
21 hand man is a person who's in charge of the
22 mentors, and he's an 82nd Airborne veteran.
23 So he's able to pull the judge to the side and
24 say, Hey, this guy's -- he's real or he's
25 not. So it helps.

1 REPRESENTATIVE BARBIN: Thank you.

2 CHAIRMAN MARSICO: Counsel Boop.

3 MR. BOOP: Judge, as a municipal
4 judge in Philadelphia, do you have
5 jurisdiction over the entire county or is it
6 just that particular area?

7 JUDGE DUGAN: Have jurisdiction
8 over the entire county. Those of us who are
9 in -- because I've done drug treatment and
10 mental health, I'm certified to be CP judge.
11 But in terms of jurisdiction, the municipal
12 court is entire Philadelphia. Basically, in
13 municipal court, we do all the trials for
14 misdemeanors. And we do every prelim, felony,
15 et cetera.

16 And because I'm certified to take
17 felonies because I have done these other
18 courts -- there's a few of us that are
19 certified as CP -- we can take the felonies
20 and dispose of them in veterans court. I'm
21 hoping that we can actually start getting more
22 felonies into municipal -- into the veterans
23 court.

24 MR. BOOP: The reason I'm asking
25 is because some of the counties that are

1 trying to work on a model where they deal with
2 it at the magisterial district justice level
3 and try to get services initiated at that
4 level and have run into jurisdictional issues
5 where they have cases from all over the county
6 that they have to have the defendants waive
7 their jurisdiction issues, and we heard about
8 that. That's why I'm asking.

9 JUDGE DUGAN: Yeah. And, no,
10 we're good throughout the city.

11 MR. BOOP: Thank you.

12 JUDGE DUGAN: I'm sorry. In terms
13 of -- I know one of issues are, the counties,
14 the size and whatnot, I don't know if the
15 commonwealth would ever do regional, but
16 perhaps there's some assets can be shared in
17 certain counties where they could group
18 together if they wanted to run a docket like
19 this.

20 CHAIRMAN MARSICO: Thank you very
21 much, Judge, Sarge. Well done, well said.
22 Thank you, on behalf of the veterans, for your
23 passion for our veterans. We need to have a
24 number of sergeants around the commonwealth
25 like you, representing our veterans.

1 So we thank you very much. We
2 would certainly welcome your prepared
3 statement as well, so if you want to send
4 that.

5 JUDGE DUGAN: Okay.

6 CHAIRMAN MARSICO: Once, again
7 thank you for your comments. Appreciate your
8 being here today.

9 JUDGE DUGAN: Thank you for having
10 me, and thank you for doing what you're doing
11 here today.

12 CHAIRMAN MARSICO: The fourth
13 speaker on our agenda here today is William J.
14 Furber, Junior, judge, Montgomery County Court
15 of Common Pleas.

16 JUDGE FURBER: Good morning.

17 CHAIRMAN MARSICO: Good morning,
18 Judge.

19 JUDGE FURBER: Ladies and
20 gentlemen, good morning.

21 CHAIRMAN MARSICO: You may proceed
22 when you're ready.

23 JUDGE FURBER: Thank you very
24 much.

25 I'm Judge William Furber of the

1 Court of Common Pleas of Montgomery County.

2 And I'd like to begin by offering my sincere
3 thanks for your having invited me to come.

4 I also would like to express my
5 appreciation to those speakers that preceded
6 me, because it never ceases to amaze me that
7 although our veterans Court in Montgomery
8 County is relatively new, when I had been
9 asked to attend functions that involve
10 veterans courts and I listened to those that
11 have testified, such as Judge Dugan and the
12 gentleman that preceded him -- just a perfect
13 example of what can happen when these veteran
14 courts are successful -- and then our
15 association representatives in the county, I
16 always learn something.

17 A little bit about me. I've been
18 on the Montgomery County Court of Common Pleas
19 for eighteen years. I have spent most of my
20 time -- not all, I've been in other positions,
21 but most of my time in the courtroom, in the
22 courts. Prior to that, I was assistant
23 district attorney for three or four years. So
24 I'd like to think that I do have experience
25 with our criminal system.

1 In 1969, I volunteered and entered
2 the Marine Corps in the midst of my college.
3 And I served in the military until 1975. So I
4 suppose you might say that I have that unique
5 experience of having been a sitting judge in
6 the criminal division and also having served
7 in our military, so that I think I have some
8 feel for what the ladies and gentlemen who are
9 seeking entrance into the veterans court are
10 experiencing.

11 I mention the fact that I've had
12 experience in criminal court because I think
13 it needs to be abundantly clear that -- and
14 I'll explain our model in a moment, I think
15 the model that we have would be helpful. But
16 I'd like to make it abundantly clear from the
17 outset that when our team in Montgomery County
18 considers an individual for entry into
19 veterans court -- please understand that every
20 veteran who has, unfortunately, gone astray is
21 not admitted for a variety of different
22 reasons. So, it's not an automatic, if you
23 will, acceptance in the veteran court.

24 Ultimately, when a person is
25 admitted into veterans court and we admit them

1 into the program, I make it abundantly clear
2 to them, as I did when I was in the service --
3 and they understand this -- this is no free
4 lunch. We are offering you the opportunity to
5 turn your life around and be successful, law
6 abiding, contributing members to our society.

7 They have been screened. We think
8 that the persons that we admit have the best
9 opportunity to be successful, but I hold their
10 feet to the fire.

11 Let me back up for a moment,
12 before I get into the actual model -- which I
13 hope, in some ways, will help you. Please
14 understand something. Judge Dugan preceded me
15 by at least a year. He's the veteran of the
16 veterans courts, just as Seamus McCaffery, who
17 also has recently arrived, has been very, very
18 instrumental in having our court in Montgomery
19 County up and running. So I owe a debt of
20 gratitude to both of them.

21 I wish that I had the opportunity
22 to visit with Judge Robert Russell in
23 Buffalo. I haven't yet had that opportunity,
24 but I intend to do that.

25 And let me digress for a moment.

1 The wounds of war are not always visible. The
2 American soldier is trained to deal, on a
3 daily basis, with enemy gunfire, harsh weather
4 conditions, and the grim reality of death.
5 Ironically, though, the most difficult task a
6 soldier will ever encounter is simply
7 returning home to a regular life.

8 In today's world, the American
9 military is comprised of approximately three
10 million people, several thousand of whom are
11 legal professionals. The tough re-acclimation
12 to home life from life on the battlefield or
13 life within the military, not just on the
14 battlefield, can be a major strain on the
15 family, friends, and co-workers of the
16 returning vets.

17 Those who are part of the life of
18 the returning veterans have to understand the
19 issues their fathers, sisters, friends, or
20 colleagues could be facing. People have to be
21 able to identify the problems a veteran may be
22 facing before those problems reach a crisis
23 point. Many such problems await a veteran
24 when he or she leaves the battlefield and
25 returns home.

1 I mentioned a moment ago that we
2 are a relatively new veterans court in
3 Montgomery County. I've really learned a lot
4 by listening to others, watching others. And,
5 of course, I try to employ my own style.

6 I happen to like people. And I
7 happen to have a huge appreciation for those
8 men and women who served our country, many of
9 who are putting their lives at risk on a daily
10 basis. And when those people come home, and
11 they come before a judge who has been handling
12 criminal cases for the best part of two
13 decades, almost two decades, darn it, I feel,
14 in my heart, that many of them deserve an
15 opportunity for me and for my team to take a
16 special interest in what's troubling them, how
17 we can help them, how to make them more
18 productive. And I have learned that that's
19 what this system does.

20 Understand something: I still am
21 a criminal judge in Montgomery County. I have
22 a criminal docket that every criminal judge
23 has. This is something that I do in addition
24 to my criminal responsibilities, because I
25 think it is so worthwhile.

1 Briefly, we have patterned our
2 court largely after the model that did come
3 from Buffalo, state of New York. And we
4 patterned it, in some respects, after the
5 model that was put in place by Judge Russell.

6 Let me see if I can kind of put
7 the legalese aside and get right to the heart
8 of this. As Judge Dugan suggested, I believe
9 what makes this work is this: Once a week, on
10 Thursdays, at noon, I will meet around a huge
11 conference table with members of the adult
12 probation department of Montgomery County,
13 with a member of the district attorney's
14 office, with a member or members of the public
15 defender's office, sometimes private attorneys
16 that I invite to come into the room so as to
17 advocate for their clients, members of our
18 prison system, and perhaps, most importantly,
19 there is a rep, a VJO from the Veterans
20 Administration, in that room.

21 When we receive an application for
22 an individual to be considered for veterans
23 court, we are receiving them from many
24 places. We have found that early intervention
25 is really important to a lot of these men and

1 women, because the vast majority of them
2 suffer from drug and/or alcohol problems.
3 Therefore, we have devised a system, whereby
4 the local police departments are aware of the
5 fact that we have a veterans court, and
6 sometimes the local police departments will
7 indicate on the face of the criminal
8 complaint, you know, that this is a veteran,
9 might be considered for entry into your
10 program.

11 Person doesn't make bail. They
12 wind up in the Montgomery County correctional
13 facility. Warden Algarin, who attends my
14 meeting every Thursday with me, along with the
15 others, has set in place a program where he,
16 upon receiving his information, will review
17 charges, will review vital statistics of the
18 individuals who have arrived, and, again, may
19 very well be the entity from which I receive
20 applications.

21 Obviously, defense attorneys, they
22 now know that for approximately six months, we
23 have a veterans court in Montgomery County,
24 and they're anxious to have their clients
25 considered.

1 The adult probation department,
2 very, very important in my county, because
3 they serve as the initial screen. And they
4 sit down and interview these people along with
5 the veterans -- excuse me, yes, the Veterans
6 Administration representative, and if they
7 think a person fits the bill, that will be
8 another individual.

9 We talk about a lot of people on
10 Thursday afternoons at noon to 2 o'clock. I
11 leave that session, and I go right into my
12 courtroom session.

13 We're in our infant stages
14 compared to Judge Dugan's situation. And as
15 you can imagine, those that are familiar, of
16 course, with the outlying counties as opposed
17 to Philadelphia -- Philadelphia is inundated.
18 And they do such a wonderful job. We're
19 starting to begin to feel like we're
20 inundated, yet compared to perhaps two hundred
21 fifty people, three hundred in the system,
22 I've got ten people in my veterans court, but
23 we only started at the end of April. By the
24 end of the year, I think that number will at
25 least double, and then you can see

1 geometrically how that's going to increase.

2 When I get into veterans court on
3 Thursday afternoon, I have every one of the
4 admittees come back and see me once a week.
5 Our program consist of three stages. Stage
6 one, they must all come back once a week and
7 see me. Every week. They move on to stage
8 two, successfully -- and so far, all of our
9 vets have been successful -- they will come
10 back and see me once every two weeks. And
11 then they move into a third stage, where they
12 may come and see me once a month.

13 So what are you talking about
14 here? We're talking about my having a handle
15 on what's happening to these individuals for a
16 year and a half. And it is so important to
17 have the Veterans Administration there,
18 because, you see, early on, we recognize --
19 we'll have someone go up to Coatesville.
20 We'll have the physicians there determine
21 whether or not an individual's suffering from
22 post traumatic stress disorder or traumatic
23 brain injury, and we do have the SATU programs
24 that help them, those that have alcohol and/or
25 drug addiction problems. And they come see me

1 every week.

2 And I make it very clear to them
3 every week, as -- as a commanding officer
4 might to one of his or her soldiers. "You
5 need to listen to what I have to say. You
6 have a mission. I have a mission. Let's get
7 it done. Let's do it the right way." And if
8 you've been in the military, you understand
9 that.

10 That's why it is so important to
11 have these mentors. And in our county,
12 they've all been former vets. Just so happens
13 that we're -- I'm the only vet on our -- on
14 our bench, which surprised me. So when they
15 asked me to do it, I jumped at the
16 opportunity.

17 But I can't begin to explain --
18 perhaps there are not words that can
19 explain -- that those who have been in the
20 military and those can identify with another
21 individual in the military, whether it be me,
22 whether it be their mentor or others. Just so
23 happens Julio Algarin is a prior Marine,
24 person in our veterans court. It's that
25 bond. It's the bond that's so important,

1 because there is that feeling of not wanting
2 to let you down. And, therefore, it's so
3 important that we meet with these people
4 regularly, as we do.

5 So, I've given you an overview.
6 To answer some of the questions that were
7 asked of other individuals, our program so far
8 has been -- runs like this. When we decide a
9 person does have a chance of great success, we
10 will allow them into the program. And when
11 they come into the program, they enter what is
12 known as an open plea of guilty before me.
13 Sentencing is necessarily deferred. Depending
14 upon the nature of the charge, ultimately, it
15 might very well be. If they're successful,
16 their charge is dismissed. If it's a serious
17 crime, but, nonetheless, one -- an individual
18 that we think will still benefit, it may be
19 that that individual's case is not dismissed
20 outright, but the charges may be decreased.

21 We let them know. You've got to
22 work for this. And it's not for two weeks.
23 You'll be here for a year and a half. I think
24 I know enough about character to know who is
25 trying to hoodwink me and who's sincere.

1 And, by the way, if they're not
2 sincere and I learn that they're not, there
3 are also sanctions that we place. It may not
4 be that we toss them out of the program the
5 first time they run astray, but if it happens
6 more than once, you can almost guarantee that
7 they're not going to be in my court anymore,
8 at least as far as the veterans court is
9 concerned. That's how we operate.

10 I hope that I have touched on
11 issues that are helpful to you. And, by the
12 way, I also apologize. This is not from a war
13 wound, fortunately. I had my hip replaced
14 about a month ago, and I was sitting at home
15 when I received a call and was asked to come,
16 and I jumped at the opportunity to be with
17 you.

18 I haven't been back to the
19 courthouse for a while, so I don't have
20 written materials, but I have in front me our
21 policy and procedure manual, and I'd be more
22 than happy to have that copied and sent to
23 every one of you.

24 CHAIRMAN MARSICO: Thank you,
25 Judge.

1 We certainly welcome the
2 testimony, written testimony. Thanks for your
3 being here. Going to go to questions. I just
4 want to say thanks for the excellent
5 description that you gave to us of the
6 operation of your courtroom.

7 Any questions?

8 Representative Barbin.

9 REPRESENTATIVE BARBIN: Sure.
10 Judge Dugan mentioned that he had mentors. In
11 your program, do you have volunteer mentors as
12 well?

13 JUDGE FURBER: Yes, sir, I do.

14 REPRESENTATIVE BARBIN: The OVA?

15 JUDGE FURBER: Yes, sir, I do.

16 And we're looking for new ones all the time.

17 One of the things that we have
18 done is we've reached out to the local bar
19 association. There's a lot of lawyers in our
20 county that were in the service. And, you
21 know, they are responding. We are -- we're --
22 we would always like to have more.

23 REPRESENTATIVE BARBIN: Would you
24 also agree that the mentor that has veteran
25 background is going to be much more helpful to

1 the overall effectiveness of the program?

2 JUDGE FURBER: I would agree with
3 that.

4 REPRESENTATIVE BARBIN: Thank you

5 JUDGE FURBER: Because I think it
6 tends to cement that bond that I mentioned,
7 veteran to veteran, if you will.

8 REPRESENTATIVE BARBIN: Thank
9 you.

10 JUDGE FURBER: Thank you so much.

11 CHAIRMAN MARSICO: Judge, I think
12 we have one more question.

13 JUDGE FURBER: Oh, I beg your
14 pardon.

15 CHAIRMAN MARSICO: Representative
16 Saccone.

17 REPRESENTATIVE SACCONI: Yes.
18 Thank you, Mr. Chairman.

19 Thank you, Judge, and thank you
20 for all the presenters. I've really been
21 moved by what you've shared with us today.

22 I'm also a veteran so -- both
23 commissioned and noncommissioned officer, and
24 I represent two of the seven counties that are
25 listed, Washington, Allegheny County that have

1 veterans courts. And I really knew nothing
2 about this.

3 And I'm curious, can we observe
4 what goes on in the veteran court? Are we
5 allowed to go down and watch? I'd like to do
6 that now, after hearing this testimony, and
7 get more involved in this.

8 JUDGE FURBER: Be more than happy
9 to have you. The answer to that is
10 absolutely. It's open to anyone. It's open
11 to anyone. I've had grandmothers come in,
12 mothers of people. I've had other vets that
13 have come in to observe.

14 And, by the way, in our county,
15 and I'm sure in others, we're very open. If
16 anyone ever has a suggestion to make something
17 better, we will certainly try it.

18 So, yes, by all means, you're
19 welcome to come down.

20 REPRESENTATIVE SACCONI: Thank
21 you.

22 CHAIRMAN MARSICO: Once again,
23 thank you, Judge.

24 JUDGE FURBER: You're very
25 welcome. Thank you for having me.

1 CHAIRMAN MARSICO: We mentioned a
2 couple of times mentors. We have with us, in
3 the back, a volunteer mentor from Lancaster
4 County. Ken Gardner, who is an attorney, who
5 served as a veterans coordinator, I guess, as
6 well, for the veterans -- newly created
7 veterans court in Lancaster County. He also
8 served in both Iraq wars, and, recently,
9 started they're own veterans -- veterans court
10 program in Lancaster.

11 So thanks for your involvement
12 with this very important issue as well. And
13 welcome and thanks for being here.

14 MR. GARDNER: Thank you.

15 CHAIRMAN MARSICO: Our final
16 speaker today is Justice Seamus McCaffery, of
17 the Pennsylvania Supreme Court.

18 Justice McCaffery, welcome. And,
19 you may proceed at -- we have -- that's fine.

20 And welcome.

21 JUSTICE MCCAFFERY: Thank you.

22 CHAIRMAN MARSICO: You may
23 proceed.

24 JUSTICE MCCAFFERY: You guys need
25 to stretch, stand up? You guys are looking a

1 little tired here.

2 If I see you do this --

3 CHAIRMAN MARSICO: I'm sure
4 they'll wake us up.

5 JUSTICE MCCAFFERY: Again,
6 Representative Marsico, thank you so much.
7 This is -- this was an unexpected, wonderful
8 thing, and I got caught -- I shouldn't say
9 caught. When I heard about this, it was kind
10 of like in a roundabout way.

11 We've been toiling in the
12 vineyards out there for several years. Just
13 went to Pittsburgh several months ago, where
14 we did, with Mr. Mike Moreland, who's the
15 VISN4 director. Public service announcements
16 are now shown all over Pennsylvania. We've
17 done a lot of telecasting. We've done video,
18 radio, everything. Thousands and thousands of
19 hours of us trying to get the word out, and
20 yet you folks have not really heard a lot
21 about us. I don't know if that's a good thing
22 or a bad thing.

23 Let me just start out by saying a
24 few things. One, the one document I just
25 stated, the Veterans Justice Partnership,

1 gives you pretty much a time line of what we
2 have done so far to date. Okay? And on the
3 very last page, it lets you know which courts
4 are up and operational, which courts are about
5 to be operational, and which courts are in
6 planning.

7 If you don't mind, if it is okay
8 with you, Mr. Chair, I'd like to just step
9 back a little bit to give you a bigger picture
10 of what's going on here. Maybe you don't
11 know, for those of you who don't, I was -- I
12 spent twenty years of my life as a
13 Philadelphia police officer. When I was going
14 to law school, I was assigned to the trans
15 unit, which covered six and a half miles of
16 underground in downtown Philadelphia.

17 One of the things I found down
18 there was the homeless, just the incredible
19 number of homeless. As my friends from
20 Allegheny County tell me, one of our mental
21 health courts out there, these people are not
22 a bad people; they're a mad people. And
23 that's their coin phrase. And I agree with
24 that. These are homeless people who suffer
25 from mental illness.

1 One of the things that I found
2 when I was walking the beat down there as a
3 sergeant was that an awful of them were
4 veterans, and immediately I was intrigued by
5 this. Why?

6 1968, I joined the United States
7 Marine Corps. When I got off active duty, I
8 stayed in the reserves. I, like you, was,
9 once upon a time, enlisted. I was a mustang,
10 they called in Marine Corps, as a gunnery
11 sergeant, second lieutenant.

12 In the same month -- I stayed in
13 the Marine Corps to the rank of captain, was
14 given the opportunity to take over as a
15 squadron commander for security forces, United
16 States Air Force. I jumped at that
17 opportunity, and became a captain, went on to
18 become a Lieutenant Colonel. As a full
19 colonel, I retired in 2008. I served our
20 nation's military for forty years, 1968 to
21 2008.

22 So I've worn two different
23 uniforms. My sister unit, the 911th out of
24 Allegheny County. I'm sorry. I've stayed in
25 touch with a lot of veterans across the

1 state.

2 I left the Department of Homeland
3 Security, again, as an O-6, for working with
4 now Major General Jim Joseph of the
5 Pennsylvania National Guard.

6 I say that because, in those forty
7 years, I've had the opportunity to serve along
8 side of World War II veterans, Korean War,
9 obviously Vietnam, all the way up through
10 Operation Desert Storm, Desert Eagle,
11 Desert -- what was the other one? There's a
12 couple of these deserts.

13 And last but not least, I was
14 activated due to 9/11 and, again, served
15 during Hurricane Katrina, et cetera, et
16 cetera.

17 In my many years and my many
18 experiences, the thing that really bothered me
19 was how many war veterans are homeless and how
20 many of them are sick. When I was the
21 administrative judge of Philadelphia court,
22 municipal court, I tried to create a mental
23 health court because I really felt strongly
24 that too many of our people with mental
25 illness are in jail.

1 As you all know as legislators,
2 one of -- the second largest budget item right
3 now, I believe, is prisons. Okay? Right now,
4 a large percent of our folks that are
5 currently incarcerated in our state prison
6 system are there because they suffer from
7 mental illness.

8 Now, if you're interested, there
9 are two books I really recommend you read.
10 One is called The Insanity Offense. The
11 Insanity Offense. It is an absolutely
12 wonderful book. It gives the whole history of
13 what went wrong in our nation's forensic
14 hospitals with mental illness. So many of our
15 citizens that suffer from these mental
16 diseases have now literally been thrown out on
17 the streets.

18 I believe, and, again, I'm not
19 sure of the exact number, but we went from
20 1950, 60,000 to 500,000 forensic beds
21 nationally. We're down to something like
22 40,000 beds nationally. What does that tell
23 you? As a former police officer, that tells
24 me that that's why we have people out there
25 that are so called 302 committee frequently,

1 domestic violence. We see it day in, day
2 out.

3 How many times do we see anybody
4 with a mental illness with a gun? How many
5 times do we just see families collapse and we
6 just can't do anything more? I'm sure
7 everybody's heard -- either has or knows
8 someone that suffers from Alzheimer's or
9 dementia. My father, we just lost my dad not
10 quite a year ago, suffered from Alzheimer's.

11 Mental disease and mental illness
12 is one of the great problems in our society
13 right now. What are we doing with them? Our
14 law enforcement community can't do anything
15 other than take them in front of the courts.
16 What are our courts doing with them? When
17 you're struck with nothing else, no other
18 help, we end up putting them in jail cells.
19 So that being said, that is the big picture of
20 mental illness.

21 But let me drop back a second and
22 tell you a little bit about veterans court.
23 When I tried to create the mental health court
24 in Philadelphia County, I kept running into a
25 brick wall. And that brick wall was money.

1 Everything's about money. Where are we going
2 to get the money?

3 The beauty of veterans court --
4 and I found this out after hearing about Judge
5 Russell in Buffalo. He has the federal
6 government, the Veterans Administration,
7 coming to our courts, into your counties, and
8 they provide us with the funding that we need
9 to help our citizens get back on track.

10 What do I mean by that? Mr. Mike
11 Moreland, who, again, as I mentioned earlier,
12 is the VISN4 director. He has partnered up
13 with me to basically create this justice
14 partnership where the Veterans Administration
15 will evaluate, help us interdict, help us
16 determine what type of treatment that veteran
17 needs. He or she -- by the way, ladies, there
18 are a lot of women out there right now
19 suffering from PTSD.

20 These individuals are evaluated
21 before they go into the courtroom. The VA
22 determines that they need mental health
23 treatment. They determine that they need job
24 training. They determine that they may need
25 homes. The VA provides this service to us.

1 I mean, think about that.
2 Delaware County just announced recently, they
3 are now creating their own veterans court.
4 Why is that interesting? Because the
5 president judge of -- I'm sorry -- of Delaware
6 County announced that they had a hundred
7 twenty-three veterans on their docket. A
8 hundred of them were eligible for veterans
9 court.

10 Now, the county commissioners were
11 all there. And every one of your counties has
12 county commissioners. And one of the things
13 they found of extreme interest was that the
14 VA, federal government, is going to take one
15 hundred -- or can take, I should say, one
16 hundred veterans off of their docket, out of
17 their county budget, to get them job training,
18 housing, mental health treatment, et cetera,
19 et cetera.

20 Ladies and gentlemen, that's a
21 windfall for the commonwealth. It's never
22 been done before.

23 When I first heard about Judge
24 Russell, I approached our chief justice,
25 Ronald D. Castille. Now, for those of you who

1 don't know, Chief Justice Castille is a combat
2 Marine Corps veteran, Vietnam. On his 23rd
3 birthday, he lost his leg. Okay? Chief
4 Justice Castille knows a little bit about
5 combat, knows a little bit about post
6 traumatic stress.

7 The chief justice said, Seamus,
8 this is good stuff. We want our courts to be
9 involved.

10 And just to give you another
11 aside, in the Supreme Court of Pennsylvania
12 right now, Justice -- Chief Justice Castille,
13 Marine Corps; Justice Max Baer's son, Anthony,
14 now flies KC-10s back and forth from
15 Afghanistan, captain, United States Air Force;
16 Justice Tom Saylor's son's flying C17s in the
17 United States Air Force; Madam Justice Debra
18 McCloskey Todd's husband, Steve Todd, United
19 States Army; and last but not least, we have
20 Mr. Justice Michael Eakin, United States Army.
21 So you can see we have a supreme court that's
22 very in tune with the needs of our veterans
23 community.

24 The chief justice basically
25 assigned me to create these veteran courts

1 around Pennsylvania, and I have traveled all
2 over the state doing everything and anything I
3 can to talk to and convince our president
4 judges, our county commissioners, that this is
5 the right thing to do, because we feel
6 strongly on our supreme court that no veteran
7 should be left behind. This is our way of
8 helping.

9 These men and women, folks, they
10 go off to serve our nation perfectly healthy.
11 They are strong, fine young men and women,
12 Pennsylvania citizens. So many of them come
13 back changed.

14 There's an article I just dropped
15 off for you, recent edition of the American
16 Legion. If you get a chance, read that
17 article. It speaks volumes to what's going on
18 out there for these young men and women.

19 Our Pennsylvania National Guard --
20 I'm sure some of you won't remember us here or
21 remember the days when, if you were in the
22 reserves, they were called weekend warriors.
23 Let me tell you something, folks, there are no
24 more weekend warriors. Our men and women in
25 the reserves right now are taking over 51

1 percent or maybe more of the active duty
2 missions. Our guard, our Pennsylvania guard,
3 28th Stryker Brigade -- 28 Division, I should
4 say, these men and women are deployed not
5 once, like Vietnam, they're going back and
6 forth, four deployments, five deployments.
7 This does not bode well for our society.

8 We have military that continually
9 sends our citizen soldiers, men and women,
10 into harm's way. They come home on a Friday.
11 They're back to work on Monday as a
12 firefighter, as a police officer, as a truck
13 driver, as a lawyer, whatever, pick a
14 profession. These young men and women that
15 take their civilian clothing off and put that
16 uniform on, go off, serve, come back, and the
17 next thing you know, do they have a chance to
18 really decompress? No.

19 We've heard stories right now
20 about police officers in upstate Pennsylvania,
21 talking about the heart of an individual,
22 driving down the highway, center line's in the
23 middle of that car. They light him up. They
24 pull him over. This is a young guy just back
25 from Afghanistan. Why is he driving down the

1 middle of the road? IEDs. In his mind, he's
2 still scared. Think about that.

3 We have young men who come home
4 and they self medicate -- and women, by the
5 way -- self medicate on drugs, street drugs,
6 cocaine, heroin, you name it, marijuana, or
7 they self medicate on alcohol. They go home
8 to their wives, their spouses, and the next
9 thing you know, we have cases of domestic
10 violence. Okay? They're not acting a way
11 they normally would. That's not your son or
12 your daughter that went off in uniform. That
13 young man, that young woman is suffering from
14 an invisible wound.

15 Chief Justice Castille, if he
16 would walk in here now with his crutches, he
17 has one leg. It's easy for us to see that
18 he's suffered a traumatic wound. Every year
19 we honor our dead. We know who they are. But
20 you know something, if it's your son, your
21 daughter, your husband, your wife, your
22 brother, your sister who came back, and just
23 because they took their uniform off and just
24 because he or she is a firefighter or a cop or
25 whatever, you don't know what's going on

1 behind those eyes. You don't know that
2 thousand-year stare.

3 Some years ago, I was campaigning
4 up in Lackawanna County -- I'm sorry,
5 strike that -- Luzerne County, and I ran into
6 an older gentleman who came up to me, heard I
7 was a Marine, we started talking. He's a
8 Korean War Marine.

9 I want you to listen to this.
10 Korean War, that's 1950, '51, '52. Great guy.
11 We talked and talked about the Marines. We
12 are like, you know -- whatever. We are a
13 cult, some people say. We gravitate to one
14 another. And this man starts telling me all
15 about being overrun at Chosin Reservoir. Now,
16 to me, as a Marine, that was history. And I'm
17 looking at this guy, and I'm just thinking,
18 Wow.

19 And another man who is in
20 Normandy. I read about this in history. And
21 there I was talking to these people. They're
22 real human beings. These are people that I
23 could touch. They're somebody's husband,
24 somebody's father.

25 And yet, that Korean War Marine

1 was standing in front of me, he had his -- he
2 actually had his hand on his cover. Marines,
3 we call our hats a cover. I know you Army
4 guys may call it something else. We call a
5 hat a cover. And he says to me, he says,
6 "Your Honor, every night I dream about being
7 overrun. Every night I dream about my friends
8 being killed."

9 What do you say? This guy is
10 classic post traumatic stress. Sixty years
11 he's been sleeping, waking up with nightmare
12 and cold sweats, and yet he's a productive
13 citizen. He's never been arrested. But he is
14 one of the individuals out there that you have
15 to say to yourselves, at a moment's notice, he
16 could click. He says to me, "As long as I
17 have this cover, I'm okay."

18 So, my point is, this is something
19 that's part of our society. And now, our
20 nation at war, this is now -- September 11th
21 is on us. Our nation's been at war for ten
22 years. Think about that. World War II wasn't
23 that long. Korea wasn't that long. Vietnam
24 wasn't really that long. And I'm talking
25 about major redeployments.

1 So, again, at the court, we felt
2 it really, really important that we do
3 something for these veterans, because, as I
4 said before, they're Pennsylvanians. They're
5 our family. They're our friends, our
6 neighbors. And we just feel that whatever way
7 we design these programs right now -- by the
8 way, a lot of them are being designed
9 differently. I'm sure you'll see from Judge
10 Furber, Judge Dugan, each county's right now
11 doing something different. Judge Barrasse,
12 who started in Luzerne -- Lackawanna County.
13 I always confuse the Lacks and the Luzernes,
14 but don't worry, I don't forget Berks.

15 You know, the reality is, we, as a
16 system right now, need to look at this and
17 incorporate it as the court of the future.
18 Okay?

19 And I know there's some
20 legislation pending right now to create this
21 mental health division or different types of
22 programs. I'm a big advocate of problem-
23 solving courts. What do I mean by that?
24 Veterans court, mental health court, DUI
25 court, gun court, drug treatment court. They

1 come under the umbrella of problem-solving
2 courts because of their uniqueness.

3 Berks County is looking at the
4 creation, I believe, of domestic violence
5 court. Something that's unique, that fits a
6 specific type of a problem, a diversion
7 program.

8 And that gets back to what we're
9 talking about here with veterans court. It's
10 about diversion. We have an intercept model,
11 ladies and gentlemen, that I can provide you
12 copies of so you'll see that our police
13 officers are going to be trained to identify
14 veterans, intercept at the beginning. Find
15 out, one, are you a veteran? Two, do you
16 qualify for VA treatment? Three, can we get
17 you into vet court? Because we -- you know
18 something, folks, when you have a veteran
19 judge, veteran mentors, veteran staff, it
20 works.

21 The recidivism rate is like 1
22 percent. Way, way better than anything else
23 you've ever seen nationally. Veterans know
24 the discipline. They understand it. They
25 respond to it. They do.

1 And by putting these programs
2 together, we're allowing them to get back with
3 their family, to get back into society. And
4 the beauty of it is, for the most part, these
5 cases are being discharged, and they are now
6 getting the treatment they need.

7 But -- but, what do we need? I
8 need your help. Okay? Now it's time -- you
9 heard the speech. Now it's time for the sales
10 pitch. Okay?

11 Here's what I need. You saw
12 Delaware's doing something with driver's
13 licenses. Right? Fill out a piece of paper.

14 Why is that important? You would
15 be surprised to find that a lot of our
16 veterans, when they're stopped by police and
17 they're asked, "Are you a veteran?"

18 "Oh, no. I'm not a veteran."

19 What do you mean by veteran? I
20 didn't spend twenty years in the military. I
21 didn't go to combat. Think about that. Some
22 of them actually feel that because they spent
23 two years stateside, or whatever the case may
24 be, that they were not veterans. That's not
25 true.

1 We need a way to identify these
2 individuals. Right now, in Philadelphia
3 County, we're developing software that's going
4 to allow us, in the actual arrest reports, a
5 drop down, to ask the question, "Were you ever
6 in the military?"

7 And by the way, just so you're all
8 familiar, the VA will not provide services for
9 people that were less-than-honorably
10 discharged. In our state right now, we are
11 trying to get funding, and we have some,
12 that's going to allow us to address all
13 veterans.

14 And let me tell you why. A lot of
15 our veterans, some of these men and women,
16 while they're on active duty, were self
17 medicating on drugs, were self medicating with
18 alcohol, were doing stupid stuff, getting
19 arrested, and they were discharged with a
20 less-than-honorable discharge. Why? Directly
21 related to post traumatic stress.

22 I also ask, and you'll read in
23 that American Legion magazine, that we no
24 longer refer to it as PTSD, D meaning
25 disorder. Why? Because our veterans should

1 not be labeled as having a disorder. They
2 suffer from post traumatic stress. Okay?
3 It's something that we can help them with. I
4 don't think that these men and women deserve
5 to be labeled as having a disorder.

6 We need veteran mentors. Right
7 now, I need somebody who can be a full-time,
8 paid coordinator in western Pennsylvania, in
9 the middle of Pennsylvania, and the eastern
10 part of Pennsylvania, coordinated through an
11 over-all umbrella section. Why is that
12 important? Because without the mentors out
13 there acting as big brothers, these programs
14 are iffy. I need to make sure that I have a
15 mentor there that's going to ensure that that
16 veteran shows up for treatment, shows up for
17 court appearances, and is there with the
18 shoulder he or she needs. It is real
19 important.

20 We have training. We pay for it
21 out of pocket. We have a sad situation. When
22 we started the Philadelphia veterans court, I
23 wanted a flag for every one of our branches of
24 service: Army, Navy, Air Force, Marine
25 Corps. Okay? I wanted a flag put up in the

1 courtroom, so when those men and women
2 appeared, they saw their branch of service
3 there. We had no money.

4 Do you know where I got the money
5 for flags? Had a beef and beer with celebrity
6 bartenders, and I was a celebrity bartender,
7 so was Judge Dugan. And I think that's a
8 little pathetic, don't you, that we have to do
9 this?

10 Every vet that graduates gets a
11 veterans coin. Now, you're saying to
12 yourself, what's a coin? In the military,
13 coins are real important. It designates your
14 unit, designates your branch of service, et
15 cetera. When you graduate, we give you a
16 coin. We give you a graduation certificate.
17 Okay? You can't believe the pride that these
18 men or women have when they receive that.

19 We had to go and we had to
20 basically beg for money for this stuff, and
21 yet we're saving the county. Think of the
22 money that Philadelphia County is saving,
23 Delaware County, Berks County, all different
24 counties, once this is up and running.
25 Allegheny County, Luzerne County. We're

1 saving tens of thousands -- millions of
2 dollars, and yet there's no designated
3 funding. Nothing.

4 You know, we need right now
5 something I think that is real important, and
6 that is to have post traumatic stress as a
7 mitigating factor for purposes of sentencing.
8 I mean, let's step back to where you can help
9 us.

10 I went last year to Graterford
11 prison. Supreme court justice, probably the
12 first one that ever walked in there
13 unhandcuffed. Okay? That was a joke. That
14 was a joke. I went in to visit the veterans
15 community at Graterford. And you're probably
16 saying to yourself, what's that? Veterans
17 have an actual unit up at Graterford. These
18 men, so many of them, suffer from PTSD. A
19 hundred percent certified by the VA. They've
20 committed crimes while suffering from post
21 traumatic stress. They could not have that
22 mental illness as part of their mitigating
23 factor.

24 People are up in jail right now
25 that we can get treatment for, get them out,

1 create reentry programs. You talk about
2 freeing up cells, okay, saving money, let's
3 look at reentry. Let's look at identifying
4 these veterans. They're there because of
5 what? A mental illness.

6 Let's look at bringing felonies
7 into these programs. I went to Washington DC,
8 where I had supreme justices from other states
9 there also creating veteran courts. And
10 everybody, the judges and justices all said
11 the same thing, especially those of us who
12 were in the military. We are trained to be
13 violent. You may know violence. You may like
14 to just watch it on television. But you know
15 something, ladies and gentlemen, I tell a lot
16 of folks that a large portion of my life I was
17 trained to save lives and to take lives.
18 Think about that. Save lives and take lives.

19 And when a veteran who suffers
20 from post traumatic stress is overmedicated,
21 street drugs, cocaine, marijuana, alcohol,
22 drunk, and he's in a bar, gets into a fight,
23 he is going to revert to what he's trained to
24 do.

25 Now he's in front of a judge who

1 is putting him in jail five, ten, twenty
2 years, depending on the course of crime. That
3 man or that woman is there why? Normally,
4 they wouldn't be that active. Normally, they
5 wouldn't be doing that stuff, but they weren't
6 there.

7 The Graterford prisoners, I talked
8 to them, they relate stories to me, I just
9 cringe. And you say to yourself, Would they
10 be up there are on life without parole? You
11 know -- and, by the way, they're not saying
12 that they didn't do it. Because, oftentimes,
13 in the courts we always get, "I didn't do
14 it." But you know something, folks, these men
15 up there, they'll say, "Yeah, I did do it, but
16 it wasn't me that did do it."

17 But, anyway, I know I'm probably
18 well over my time. Again, I just want to
19 thank you all. I wish you'd go back to the
20 House, talk to your friends in the Senate, and
21 do anything that you can to get people to
22 understand that this is a win/win situation
23 for our cities, our counties, our state as a
24 whole.

25 And by the way, Pennsylvania,

1 because we're a unified judiciary, we are now
2 on the cutting edge of being the top state in
3 the nation for veterans courts. In the
4 nation. I want you to think about that.
5 Something good to be proud about.

6 Karen Blackburn from AOPC is doing
7 a magnificent job. All of our magisterial
8 district court judges start training in
9 September. We will have veterans court
10 training programs going on for all of them.
11 They will identify -- and by the way, if your
12 county doesn't have one, if you don't have one
13 and you want one, call me. The chief justice
14 has given me permission to talk to all your
15 president judges. You have every VA hospital
16 in Pennsylvania and every Veterans
17 Administration clinic, they're there at your
18 disposal.

19 I will come to your county, and
20 I'll do anything you need me to do, because as
21 far as I'm concerned, there is nothing we
22 can't do -- we can't do enough for our
23 veterans.

24 Again, thank you.

25 Any questions, I'm ready.

1 CHAIRMAN MARSICO: Thank you very
2 much, Justice McCaffery.

3 I want to give you a special
4 thanks, too, for cutting your vacation short.
5 I understand you cut your vacation short by
6 one day. So I especially thank you for your
7 time and your insight. Thank you. We
8 appreciate it.

9 JUSTICE MCCAFFERY: My pleasure.

10 CHAIRMAN MARSICO: But also Chief
11 Justice Castille, for bringing his leadership
12 in bringing these veterans courts to
13 Pennsylvania.

14 It's only fitting that staff
15 orchestrated and you would be the last
16 testifying today, to give the final pitch.

17 So I congratulate that staff as
18 well. Well done.

19 Any questions from the members?

20 Representative Barbin.

21 REPRESENTATIVE BARBIN: Hackett.

22 CHAIRMAN MARSICO: Representative
23 Hackett.

24 REPRESENTATIVE HACKETT: Thank
25 you, Mr. Chairman.

1 Thank you, Your Honor, for your
2 testimony today.

3 JUSTICE MCCAFFERY: My pleasure.

4 REPRESENTATIVE HACKETT: It's
5 always good to see you. You help out in
6 Delaware County Law Enforcement Memorial
7 Foundation over the years. And as a twenty-
8 six-year veteran of law enforcement, I do
9 share your concerns about the mental illness
10 and the strain it puts on the beat cop and the
11 courts. I look forward to working with you
12 and anyone else that would be willing to jump
13 in and see if we can address that problem.

14 And, as always, you've answered
15 most of my questions through your testimony.
16 I do have one question. That question is,
17 would you be able to provide for us, maybe, a
18 dollar value -- not now, in the future -- a
19 dollar value of what -- you know, paying the
20 mentors seems to be a key here -- paying those
21 mentors across the state as we develop this
22 program, what kind of money will we need to
23 free up, and, I guess, that would go to the
24 judiciary.

25 JUSTICE MCCAFFERY: Well,

1 Representative, the actual volunteers are
2 unpaid. Unpaid. The most that we give them
3 is pizza and soda when they come to training
4 class.

5 The coordinators are important,
6 and we're talking, again, a western
7 coordinator, a center state coordinator, and a
8 eastern state coordinator, that -- because I
9 think one coordinator statewide's going to be
10 tough.

11 And just as an aside, the center part
12 of Pennsylvania, you know, Warren County, for
13 example -- anybody from Warren here? Warren
14 County has one of the largest veterans per
15 capita of any county in Pennsylvania. Think
16 about that. I mean, Allegheny County's one;
17 Philadelphia, two; Montgomery County's three,
18 but Warren County's a small county. But the
19 surrounding counties really don't have a lot,
20 but we're trying to look at a region, to
21 create a regional veterans court, combining
22 those small counties.

23 That being said, I think a
24 coordinator that can basically be able to run
25 up and down the state, one -- three, maybe,

1 statewide, and I can get you that
2 information. But cost savings, we can get you
3 that as well.

4 You know, ladies and gentlemen, that
5 is something -- I tell this to everybody.
6 We're working on this in Philadelphia,
7 judicial reform. Every time I keep a police
8 officer out of the courtroom, it saves
9 overtime. Every time I keep a police officer
10 in the community, it's public safety. You and
11 I know that when a police makes an arrest,
12 they're coming down town. They're not taken
13 off the street. They're being paid overtime,
14 et cetera, et cetera.

15 The new and innovative stuff that
16 we're doing is really fantastic. And it's
17 saving money and public safety, but the
18 question always comes up: What is the cost
19 savings? That is something we're trying --
20 we're working on right now, because I know
21 darn right well that's very important to you,
22 as elected citizens, that you can go back and
23 tell your constituents that these programs are
24 saving us money.

25 REPRESENTATIVE HACKETT: Judge,

1 you would not be opposed, to -- if we're able
2 to do that, to actually stipend or give some
3 type of funds or pay to those mentors, because
4 I'm thinking that those volunteers are
5 eventually going to fizzle out that. That's
6 what I'm concerned with.

7 JUDGE MCCAFFERY: Yeah. Yeah.
8 And that's why we need a coordinator. Yes.
9 And I agree.

10 You know, as the representative
11 said, we have to be sensitive to overworking
12 these folks. There's always going to be a few
13 that are going to step up and want to do the
14 most, but you're right, I think with a stipend
15 of some sort, that could go a long way.

16 And guess what, folks, probation
17 officer, they would go a long way if we could
18 hire -- our probation officers are depleted
19 like you wouldn't believe. And if we could
20 get those folks to come out and help us, and
21 funding for that as well.

22 REPRESENTATIVE HACKETT: Thank
23 you.

24 CHAIRMAN MARSICO: Are there any
25 other questions?

1 Representative Barbin.

2 REPRESENTATIVE BARBIN: Thank you,
3 Justice, for your testimony.

4 I was wondering if Delaware, where
5 they have the designation for the DD-2 --
6 their number that identifies them as having --
7 does this identify them as being honorably
8 discharged?

9 JUSTICE MCCAFFERY: Yes. What
10 you're talking about here is, their license
11 serves a purpose. Our reason for licenses is
12 because we want that police officer, that EMT,
13 anybody who comes in contact with a veteran,
14 when they want your drivers license, you pull
15 it out, it will designate right on it that you
16 are a veteran.

17 What the DD-214 is, anybody that
18 serves in our nation's military, upon
19 discharge, gets a DD-214. That's just a
20 number on the bottom. That DD-214 will
21 describe your entire -- pretty much your
22 military background, including whether or not
23 you're discharged honorably, less than
24 honorably, or dishonorably.

25 What they're talking about here

1 is, in the state of Delaware, there are
2 companies and programs out there for the
3 benefit of the veteran. So rather than the
4 veteran having to carry a document around, he
5 has his license. It just makes a lot of
6 sense.

7 Now, I understand, PennDOT is
8 giving some pushback on having the veterans --
9 I mean, come on. What's the big deal?

10 REPRESENTATIVE BARBIN: That's my
11 question. To me, it seems like the governor,
12 with a stroke of a pen, could say, The
13 application form, from now on, will require
14 you to fill this out. Now, if he doesn't, I
15 am sure we can get it through legislation.

16 But I'm wondering, in Delaware,
17 isn't this just done by the administration?

18 JUDGE MCCAFFERY: I can't honestly
19 say to you how it came about. There are eight
20 states right now that have a veteran
21 designation on their license.

22 General Gould, from the guard,
23 has been working very hard, along with all the
24 major veterans communities. I believe that
25 PennDOT's explanation was, they would be

1 inundated. Well, think about it. Every
2 veteran shows up with their DD-214 form when
3 they go to get their license renewed. Okay?
4 And on their license, there's just a little
5 block. It says, United States military
6 veteran.

7 I don't see how it's a problem,
8 and it would actually serve a great purpose
9 for those of us in law -- for the law
10 enforcement community out there. And by the
11 way, any other options, you know, that
12 somebody needs to show that they're a veteran,
13 because you can't get the license unless you
14 have a DD-214.

15 And if you can push the governor
16 on that or talk to him, I should say, and if
17 the governor's -- and look, Governor Corbett I
18 know very well. He's a 28th Division alum, if
19 you will. So, I mean, he's served in our
20 nation's military. I'm sure he'd be receptive
21 as well.

22 REPRESENTATIVE BARRAR: I think we
23 have enough Marines in the room right now that
24 we could probably storm the PennDOT building
25 and get it done.

1 JUDGE MCCAFFERY: I had nothing to
2 do with that. I wasn't advocating it.

3 REPRESENTATIVE BARRAR: We have
4 some Army veterans here and a lot of Navy
5 veterans, too.

6 If there are no other questions,
7 Justice McCaffery, I want to thank you for
8 your testimony today, and take what we've all
9 been hearing -- I can't remember a public
10 hearing that we've had where we have had more
11 information disseminated, but also the passion
12 amongst the testifiers has been incredible. I
13 thank you for your testimony today.

14 JUDGE MCCAFFERY: Ladies and
15 gentlemen, I want to thank you all for your
16 service. Being a public servant is something
17 that most of us -- it's a bad word anymore,
18 but I know what goes into it, and I want to
19 thank you all.

20 REPRESENTATIVE BARRAR: Thank
21 you. This concludes our testimony for today.

22 And I wanted to take a moment to
23 thank the committee staff on the Judiciary
24 Committee and the Veteran Affairs Committee
25 for putting this meeting together. We've had

1 a very, very, very well run meeting. I want
2 to thank you for that.

3 I also want to thank the
4 administration here at the Valley Forge
5 Military Academy for allowing us to have this
6 hearing today in such a beautiful setting here
7 in Chester County. I tell you, in all the
8 places that we've traveled on the road, it
9 really is such a gorgeous setting. Thank you
10 for your hospitality.

11 And Chairman Caltagirone.

12 REPRESENTATIVE CALTAGIRONE: I
13 just want to thank everybody that participated
14 today, and I know that we've been on the
15 march, trying to get this effectuated
16 throughout the whole state.

17 God bless you for your service to
18 the country.

19 REPRESENTATIVE BARRAR: Thank
20 you.

21 Thank you.

22 Representative Tina Pickett,
23 comment? I mean Davis, I'm sorry.

24 REPRESENTATIVE DAVIS: Thank you.

25 And it's been a honor for me to be

1 here today.

2 I also wanted to invite you to
3 Bucks County this weekend. We are hosting
4 Stand Down for homeless vets, starting Friday
5 morning, 11 o'clock, and if anybody would like
6 to be there. And I see that Bucks doesn't
7 have a veterans court so, if the Honorable
8 Judge can come and talk and beg. Help me up
9 there.

10 So it's Friday morning till
11 Sunday, and you can walk around, and we'll be
12 having a ceremony at 11 o'clock on Friday, and
13 closing, 4 o'clock on Sunday.

14 Thank you.

15 REPRESENTATIVE BARRAR: Chairman
16 Sainato.

17 REPRESENTATIVE SAINATO: Thank
18 you, Chairman Barrar.

19 I, too, would like to echo
20 comments. I think this was a very
21 informational meeting to understand the
22 issue. I'm from Lawrence County, and there's
23 a veterans court. I didn't understand exactly
24 as much as, you know, it goes. And after
25 today's meeting, to our three judges who came

1 before us, they all did an excellent job, very
2 thorough and explained this issue.

3 And I support this a thousand
4 percent there, because I think it's very
5 effective, what I learned today. And I have a
6 very high number of veterans in western
7 Pennsylvania, especially who's served, and I'm
8 working with our judges. I think this would
9 be a great thing to do.

10 So I thank each and every
11 testifier.

12 The gentleman, I have a lot of
13 respect for you for commenting. Your
14 testimony was very important to us, as
15 legislators, to understand, you know, a
16 success story, you know, what you've gone
17 through. Because veteran serve our country,
18 as one of our testifiers said, you put that
19 uniform on, you know, you're called to give up
20 your life for our freedoms, and we do owe that
21 respect to every man and woman who's done
22 that. So I thank each and every one of you.

23 Thank you, Chairman Barrar.

24 JUDGE MCCAFFERY: Chairman?

25 REPRESENTATIVE BARRAR: Yes, sir.

1 JUSTICE MCCAFFERY: I want to
2 mention, for the record, veteran service
3 officer from the VFW is currently sitting in
4 Philadelphia County. He's here in the room
5 right now. The VFWs, the American Legions,
6 VBA are also a very integral part of this
7 whole program, and we want to thank them and
8 make sure they get recognition.

9 The VFW, they're just fantastic
10 folks who understand the problems.

11 REPRESENTATIVE BARRAR: Thank you,
12 Justice.

13 The meeting stands adjourned.
14 Thank you.

15 (Whereupon, the hearing concluded
16 at 11:56 a.m.)

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1 REPORTER'S CERTIFICATE

2 I HEREBY CERTIFY that I was
3 present upon the hearing of the above-entitled
4 matter and there reported stenographically the
5 proceedings had and the testimony produced;
6 and I further certify that the foregoing is a
7 true and correct transcript of my said
8 stenographic notes.

9
10 _____
11 BRENDA J. PARDUN, RPR
12 Court Reporter
13 Notary Public
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