July 19, 2013

The Honorable Al Franken
309 Hart Senate Office Building
United States Senate
Washington, DC 20510

Re: S. 162, the Justice and Mental Health Collaboration Act

Senator Franken:

On behalf of the nearly 400,000 members of the American Bar Association, I am writing to express our deep appreciation for your championing of S. 162, the Justice and Mental Health Collaboration Act. We are particularly enthusiastic about those measures promoting the establishment of veteran treatment courts. We are delighted that the legislation has been favorably reported by the Senate Judiciary Committee, and we stand ready to assist in moving this legislation through the Congress.

The ABA has often addressed the special challenges faced by those who are experiencing mental health issues or related difficulties in our criminal justice system. Proper recognition of these conditions often leads to proper treatment, followed by the return of these persons to productive roles in society. Involvement with the justice system, however, can disqualify veterans from the very benefits and services they need to make this successful transition. For homeless veterans, these benefits and services provide a critical lifeline and a pathway to self-sufficiency. Furthermore, when federal benefits are lost, justice-involved veterans must rely on the availability of community services that are often at capacity, or that are scarce due to shrinking municipal budgets. Veteran treatment courts, however, keep veterans accountable while helping them remain eligible for the benefits earned by their military service.

Many of our veterans who become justice-involved fall into two primary categories: (1) those engaging in survival behaviors learned as part of their military training but are now out-of-context, and (2) those engaging in antisocial behavior influenced by service-connected infirmities, including persons crudely self-medicating undiagnosed conditions with drugs or alcohol. These men and women, particularly those who are homeless and disconnected from society, are often unwilling to self-identify their veteran status to civilian officials, or may be separated from their benefits and services due to technical legal barriers. The organized bar, including the ABA, is actively working in partnership with government in efforts to help identify and assist veterans in eliminating these obstacles.
While we are sensitive to any effort that might appear to establish a different path to justice for some, we believe the playing field for many justice-involved and homeless veterans is already skewed, manifesting itself in higher rates of homelessness and incarceration for veterans than their civilian counterparts. Veteran treatment courts, when properly implemented, can provide more intensive court and correctional supervision than existing court models, tapping into military culture and tools like peer-to-peer counseling to make lasting personal connections.

We appreciate that there is an initial investment required to launch veteran treatment courts and to train personnel. A recent California study of the economic impact of veteran treatment courts concluded, however, that these initiatives can be a revenue positive investment. In the nation’s oldest veteran treatment court, located in Buffalo, NY, the recidivism rate is zero, yielding substantial savings to the community’s criminal justice and corrections systems.

Organizations such as Justice for Vets and the ABA’s Commission on Homelessness and Poverty provide guidance and technical assistance that contribute to the efficacy of veteran treatment courts. We would be pleased to share more details about these important initiatives with you and your colleagues.

S. 162 takes a big step toward helping veterans return home to a grateful nation. Please let us know how we may support the legislation as you guide it through final enactment.

Again, thank you.

Sincerely yours,

Thomas M. Susman
Director
Governmental Affairs Office