



Hawaii's Veterans Treatment Court

**Hon. Edward H. Kubo, Jr.
Circuit Court of the First Circuit**



The Reality Facing Veterans

The Facts Concerning Veterans *(Nationwide)*

- ❖ ***23,440,000 veterans in the United States***
(source: U.S. Department of Veterans Affairs)
- ❖ ***1.7 million veterans of Iraq and Afghanistan***
(source: Iraq and Afghanistan Veterans of America)
- ❖ ***1 in 5 reports symptoms of mental disorder***
(source: RAND Ctr. For Military and Policy Research)
- ❖ ***1 in 4 Veterans ages 18-25 met criteria for substance abuse disorder in 2006***
(source: Substance Abuse and Mental Health Services Administration)
- ❖ ***1.8 million vets met the criteria for having a substance abuse disorder in 2006***
(source: Substance Abuse and Mental Health Services Administration)

Improvised Explosive Device



Signature Wounds of War

Traumatic Brain Injury (TBI)
Post Traumatic Stress Disorder (PTSD)



Drug and Alcohol Abuse



Deseret News

Fledgling veterans court deals with 'root of the problem'

Dennis Romboy
Sunday, January 2, 2011

. . . "Unfortunately, we're learning that a lot of these kids come back with pretty serious issues," he said.

Amy Earle, a social worker, said that soldiers often have these issues," she said.

“Veterans may suffer from PTSD, depression or anxiety. They self medicate with excessive drugs and alcohol. An inability to mesh with family members may lead to violence in the home. Some wind up homeless.”

Veterans may suffer from PTSD, depression or anxiety. An inability to mesh with family members may lead to violence in the home. Some wind up homeless.

And they'll do something that drops them into the criminal justice system.

"By the time we get them, they are tangled balls of yarn, if you will," said Scott Hill, VA chief of mental health services in Salt Lake City. "We know that early intervention works. Sometimes the court system is the first opportunity we've had to interact with them."

The New York Times

Suicides Outpacing War Deaths for Troops

By TIMOTHY WILLIAMS

June 8, 2012

The suicide rate among the nation's active-duty military personnel has spiked this year, eclipsing the number of troops dying in battle and on pace to set a record annual high since the start of the wars in Iraq and Afghanistan more than a decade ago, the Pentagon said Friday.

Suicides have increased even as the United States military has withdrawn from Iraq and stepped up efforts to provide mental health, drug and alcohol, and financial counseling services.

The military said Friday that there had been 154 suicides among active-duty troops through Thursday, a rate of nearly one each day this year.



Schofield Soldier's Family Questions Military PTSD Treatment Tripler Officials Defend Patient Policy

[Brent Suyama](#), Managing Editor

TheHawaiiChannel.com

July 11, 2008

TRIPLER ARMY MEDICAL CENTER, Hawaii -- An Alabama woman says her son, a Schofield Barracks soldier, is slipping through the cracks after a stand-off with Honolulu police last month.

The Army responded on Friday by saying it requires soldiers to undergo Post Traumatic Stress Disorder screenings throughout the deployment cycle. After the mandatory screenings it falls on the soldier and the community to reach out to the Army for help.

Last month, Sgt. Jesse Kerry barricaded himself in his Royal Kunia townhouse. After an 18-hour standoff with Honolulu police, the 23-year-old surrendered.

"Anybody with PTSD is tormented. It is something they can't get out, they can't drink it out, they can't drug it out, and they feel ultimately, many of them, the only way get rid of this pain and this torment is to kill themselves," Stephanie Kerry said.

Jesse Kerry was admitted to Triple Army Medical Center, where he underwent treatment.

Stephanie Kerry is questioning the Army after she was informed her son would be discharged this week.

"You're going to release this soldier after a 16-hour standoff brought him to your hospital and you are going to release him 10 days later after studying his personality traits," Stephanie Kerry said.

The Army can not comment on Sgt. Kerry's case.

Mother and daughter are victims in apparent murder-suicide

August 20, 2010

By Teri Okita



Clayborne Conley



Sandra and Kristine Cass

HONOLULU - A mother and her teenage daughter are dead - victims of an apparent double-murder suicide in Makiki. The gunman appears to have also killed himself.

Clayborne Conley was a former Hawaii National Guardsman with the 29th infantry brigade combat team. He was discharged from the military three years ago for unknown reasons. The 43 year old has a criminal record from 2007 that includes terroristic threatening and assault.



Violent Cases In Hawaii Involving PTSD Patients Likely To Increase From Those Who Deal With PTSD Soldiers: 'We Could See More Incidents'

August 21, 2010

HONOLULU -- According to those who work with the military, violent acts involving PTSD patients are a national trend and Hawaii is not immune.

Clayborne Conley, 43, was a former Hawaii Army National Guardsman with the 29th Infantry Brigade.

Those who know him said he was deployed to Iraq and Afghanistan and had suffered a traumatic brain injury and also struggled with post traumatic stress disorder.

Conley had a criminal record, including assault and temporary restraining order violations in 2007.

KITV.COM



Family of soldier killed by police says he came home from war a 'different person'

By Andrew Pereira

January 17, 2013

HONOLULU —The young Hawaii-based soldier who was shot and killed by police in a hail of bullets early Tuesday morning suffered from a severe case of post-traumatic stress disorder.



Soldiers join in outreach to help homeless veterans

About 250 troops assist isle service providers to locate ex-warriors in need

By Allison Schaefer

June 12, 2013

Sgt. 1st Class Maurice Smith, an Army journalist stationed at Fort Shafter, was on a rescue mission Tuesday to save his fallen comrades — the many homeless veterans who call Hawaii streets their home. "It's tough being on the street," said Smith . . . Smith was one of about 250 active-duty military personnel from U.S. Army Pacific who teamed up with military and homeless service providers to comb Waikiki, Diamond Head, Kakaako Park, Chinatown and Iwilei for homeless vets.

During the one-day mobile outreach, staff from the Waikiki Health Center, US Vets, the West Oahu Vet Center, the Institute for Human Services and the U.S. Department of Veterans Affairs provided services such as medical and mental screenings, information on veteran benefits, enrollment services and assistance with claims.

"The latest count, conducted Jan. 22, tallied 398 homeless veterans on Oahu. That is 8.4 percent more than in 2012 and 34.5 percent more than in 2010. Homeless veterans accounted for nearly 9 percent of the 4,556 homeless people who were counted across Oahu this year."

US Army To Cut 80,000 Soldiers By 2017

By Amrutha Gayathri
June 26 2013

In a massive restructuring plan announced on Tuesday as part of federal budget cuts, the U.S. Army will reduce its strength by 80,000 soldiers over the next five years, relocate thousands of troops, and cancel construction projects worth \$400 million.

Thousands of others across the service, including those in support units of the brigades, as well as two overseas brigades located in Germany, also are slated for elimination. **The downsizing of 80,000 soldiers, which will reduce the army's strength to 490,000, stands for a 14 percent reduction, the department said.**

Army officials said more cuts were in the pipeline, and as many as 100,000 more active duty, National Guard and Reserve soldiers could be downsized, if Congress approved the fiscal restraints to continue to next year, Associated Press reported.



Why Help Veterans?

OUR RESPONSIBILITY TO THOSE WHO SERVE AND HAVE SERVED



Opposition Against Establishing Veterans Treatment Courts

It provides "an automatic free pass based on military status to certain criminal [defendants] that others don't have."

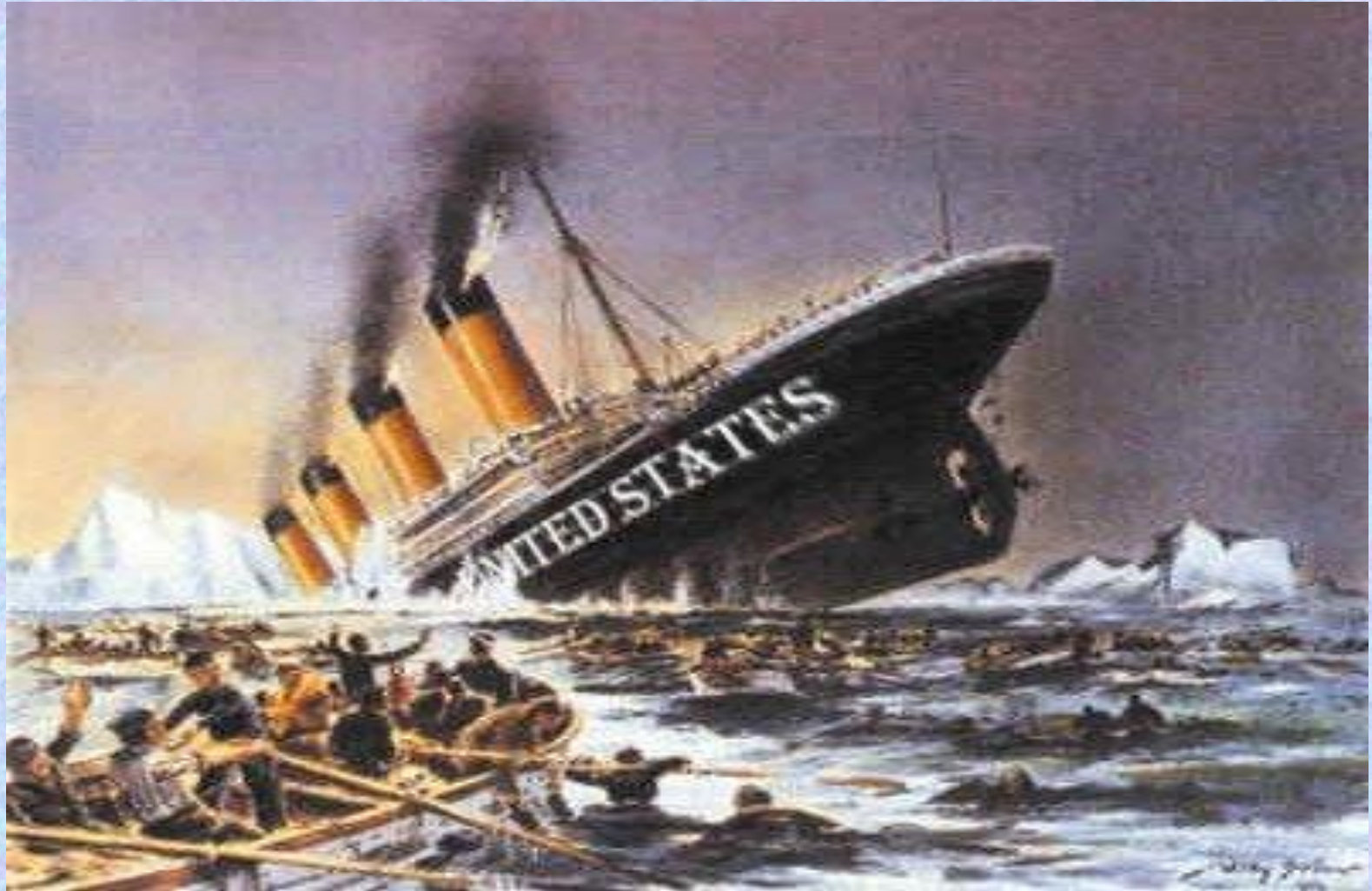
Lee Rowland, American Civil Liberties Union of Nevada

Opposition Against Establishing Veterans Treatment Courts

"Should the criminal justice system take into account PTSD when it arises from military service but disregard it when it stems from different but nevertheless horrific life experiences?"

Mark Silverstein, American Civil Liberties Union of Colorado

***“Don’t Save Some If You Cannot
Save Them All”***





***Courts Are Becoming More
Sensitive Towards Veterans'
Military Service***



The Buffalo Treatment Court
[Video]



The Buffalo Treatment Court

-0- Recidivism Rate!!!



***There are Approximately 400
Veteran Treatment Courts
Nationwide***

BALANCING SOCIETY'S INTEREST INVOLVING OUR VETERANS



“The idea is to treat the underlying causes of criminal behavior rather than just put veterans, many of whom return from service with post traumatic stress disorder, behind bars.”

Fledgling veterans court deals with 'root of the problem', Deseret News, Sunday, Jan. 2, 2011



Collaborative Partnerships

Department of Veteran Affairs

Tripler Army Medical Center

Probation Officers

Veteran Mentors

Veteran Service Organizations

Private Corporations

Local and State Government

State Bar Association

Hawaii Now Has a Veterans Treatment Court





“Veteran”

Section 363-1, Hawaii Revised Statutes

"Veteran" means any person who has served in any of the armed services of the United States, or any person who is now a citizen of the United States who has served in any of the armed services of any country which was an ally of the United States in any war or campaign in which the United States was also engaged.



Team Approach

- ❖ ***Judge***
- ❖ ***Probation Officer***
- ❖ ***Veteran Affairs Case Worker***
- ❖ ***Veteran Mentor***
- ❖ ***Prosecutor***
- ❖ ***Defense Attorney***



Veteran Mentor's Role

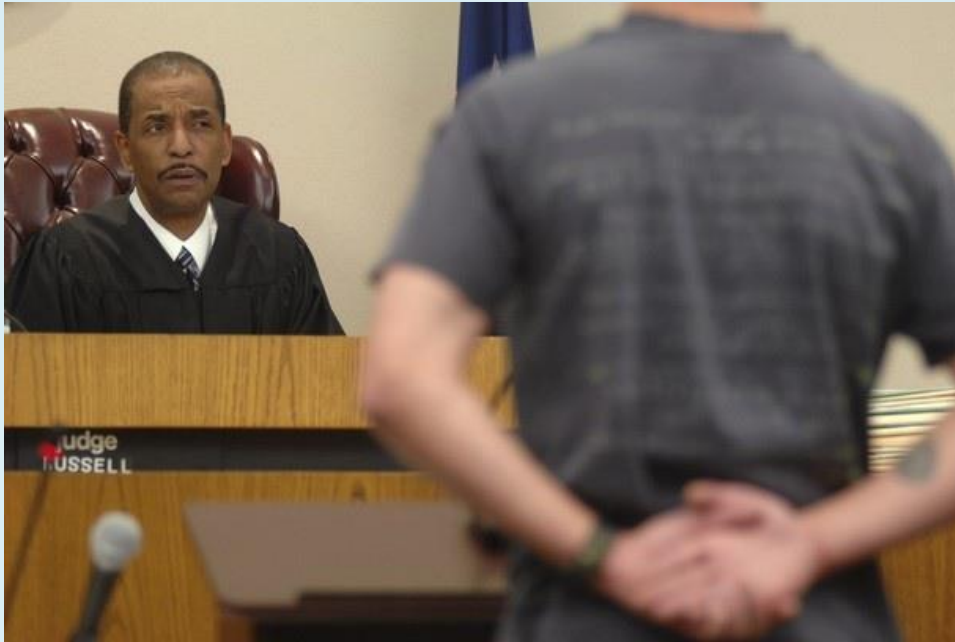
- **Coach**
- **Facilitator**
- **Advisor**
- **Sponsor**
- **Support**



Hawaii Veterans Court Mentors



Putting Discipline Back into Their Lives



Hennepin County, Arizona

Buffalo, New York





Hawaii Veterans Court Program

❖ Goals of the Program:

- Increased Court Supervision and Hearings***
- Immediate Sanctions and Incentives/Rewards***
- Increased Frequency of Drug/Alcohol Testing***
- Increased Emphasis on Treatment of Underlying Problems***



High Risk vs. Low Risk
For Re-Offending

25 Veterans in 3 Years

- ❖ Violent Crimes, Property Crimes, and Drug/Alcohol Crimes
- ❖ 15 Honorable Discharges
- ❖ 6 Homeless
- ❖ 18 Unemployed
- ❖ 25 Drug Use (15 used Meth/ICE)
- ❖ 10 Anger/PTSD Issues
- ❖ 9 Anxiety/Depression/Suicidal



“S.L.”

U.S. Army (1983 – 1989) – Honorable Discharge

MOS 52 Delta – Power Generation Repair

45 Years

Offense – Burglary in the Second Degree (Class B Felony)

[Breaking into Frito-Lay Building to steal Copper Wire]

Sentenced to 5 years Probation

2 Failures to report to Probation Officer (August 2011)

4 Refusals to Submit to UA (Aug 2011 to Nov 2012)

Anger and Substance Abuse Issues



"A.V."

U.S. Coast Guard (2005 – 2010)

MOS – Machinery Technician

General Discharge

Offenses – Terroristic Threatening First & Second Degrees (Class B & C Felonies)

[Threatening Victim with Knives in a Home while Intoxicated]

Sentenced to 5 years Probation, Concurrent

Violation of Probation for Alcohol Use (March – April 2012)

Refusal to Submit to UA (August 2012)

History of Relapses without Structured Supervision



“A.V.”

**U.S. Army (2008 – 2011) – General Discharge Other Than Honorable
MOS - 92G Food Service Specialist
24 Years**

**Offense – Unauthorized Entry into MV 1st Degree (Class B Felony)
[Theft from Car Trunk] – [While AWOL]
Sentenced to 5 years Probation
2 Admissions to Using Methamphetamine (2011 - 2012)
2 Refusals to Submit to UA (2012)
Substantial Substance Abuse Issues**



"J.L."

U.S. Marine Corps (1980 – 1984)

E-4 / MOS Mechanic – Honorable Discharge

46 years

Offense – Theft Second Degree and Auto Theft (Class C Felonies)

Drug of Choice – Crystal Methamphetamine

Sentenced to 5 years Probation

Ran away from Habilitat Drug Treatment Program

2 Failures to Report to Probation Officer and Whereabouts Unknown

(Nov 2010 - Sept 2012)



VA

U.S. Department
of Veterans Affairs

Structured Housing for Veterans

(Kapolei)



- ❖ *Shuttle Transportation to the VA for Appointments and Treatment*
- ❖ *Monitors and Supervises Residents*
- ❖ *Conduct Urinalysis Tests on Residents*
- ❖ *Conducts Group Sessions and Counseling*



***“It Is Important to Start
Small and To Grow With
Successful Results”***

Use of Therapy Dogs In Court





Calm, cool and furry

A service dog with sympathy in her eyes soothes the jangled nerves of troubled veterans as they appear in court on various charges

By William Cole
December 23, 2013

As a state judge, Ed Kubo has heard his share of shaggy-dog stories. This one was different. Since late September he has allowed an 8-year-old boxer named Athena to regularly attend sessions in Veterans Treatment Court, a program he oversees under the state Judiciary.

A trained service dog, Athena — coincidentally named after the Greek goddess of war and justice — seeks affection from all who will give with her soulful brown eyes, and provides a calming influence inside and outside the courtroom in return.

That effect was on display on a recent Friday in court, where a 33-year-old two-time Iraq war veteran with post-traumatic stress disorder sat waiting for his case to be called, his leg bouncing up and down with nervous energy.

The former soldier, who has substance abuse and anger problems, reached over the back of the wooden bench where he was sitting to pet Athena repeatedly, and did so again after his turn before Kubo. The 62-pound brown-and-white boxer, wearing reindeer antlers and a small Santa's cap for the holidays, quietly lapped up the attention. While he stood before Kubo, the former GI jammed his hands in his back pockets and rocked his body in slow circles. "Honestly, every day is a battle, every day is a struggle," the man told the judge.

Calm, cool and furry

A service dog with sympathy in her eyes soothes the jangled nerves of troubled veterans as they appear in court on various charges

By William Cole

December 23, 2013



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Calming Presence Eases Veterans in Court



Appearing before a judge in a criminal case can be a traumatic experience for anyone, but the process can be even more difficult for veterans, many of whom have PTSD. First Circuit's Veterans Treatment Court has a new "tool" at its disposal to help its veterans while they wait to appear before the judge, and her name is Athena.

Athena is an eight-year old, certified service and therapy dog. Her owner, Ron Stebbins, adopted Athena from the Hawaiian Humane Society. Athena and Ron, a retired U.S. Army lieutenant colonel, are volunteers with the Hawaiian Humane Society's Pet Visitation Program and have been present in Veterans Court every Friday afternoon since starting on September 27.

"I have no doubt that Athena's calming presence helps put our veterans at ease," said Judge Ed Kubo, who is also a veteran. "I am grateful for the service that Athena and Mr. Stebbins are providing to our veterans, and to the Hawaiian Humane Society for helping us obtain their services."

Hawaii is the second Veterans Court in the nation to use a therapy dog in court. Michigan was the first.



GRADUATION







Veterans fight back and win

New graduates work hard to overcome drug abuse and mental health issues

By William Cole

April 18, 2015



Veteran Joseph "JoJo" Lupica kissed his mother, Beverly Gardiner, during the graduation ceremony for the Hawaii Veterans Treatment Court on Friday at the Supreme Court building in Honolulu.



Hawaii Veterans Court Statistics in 6 Years

29 Presently Participating

32 Successful Graduates

1 Returnee

Negative to Positive *“Holistic Makeover”*

✓ Homeless

❖ Housing/Shelter

✓ Unemployed

❖ Employed

✓ Drug/Alcohol Issues

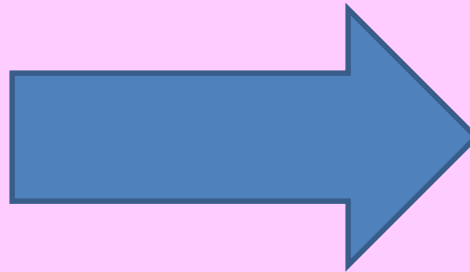
❖ Clean and Sober

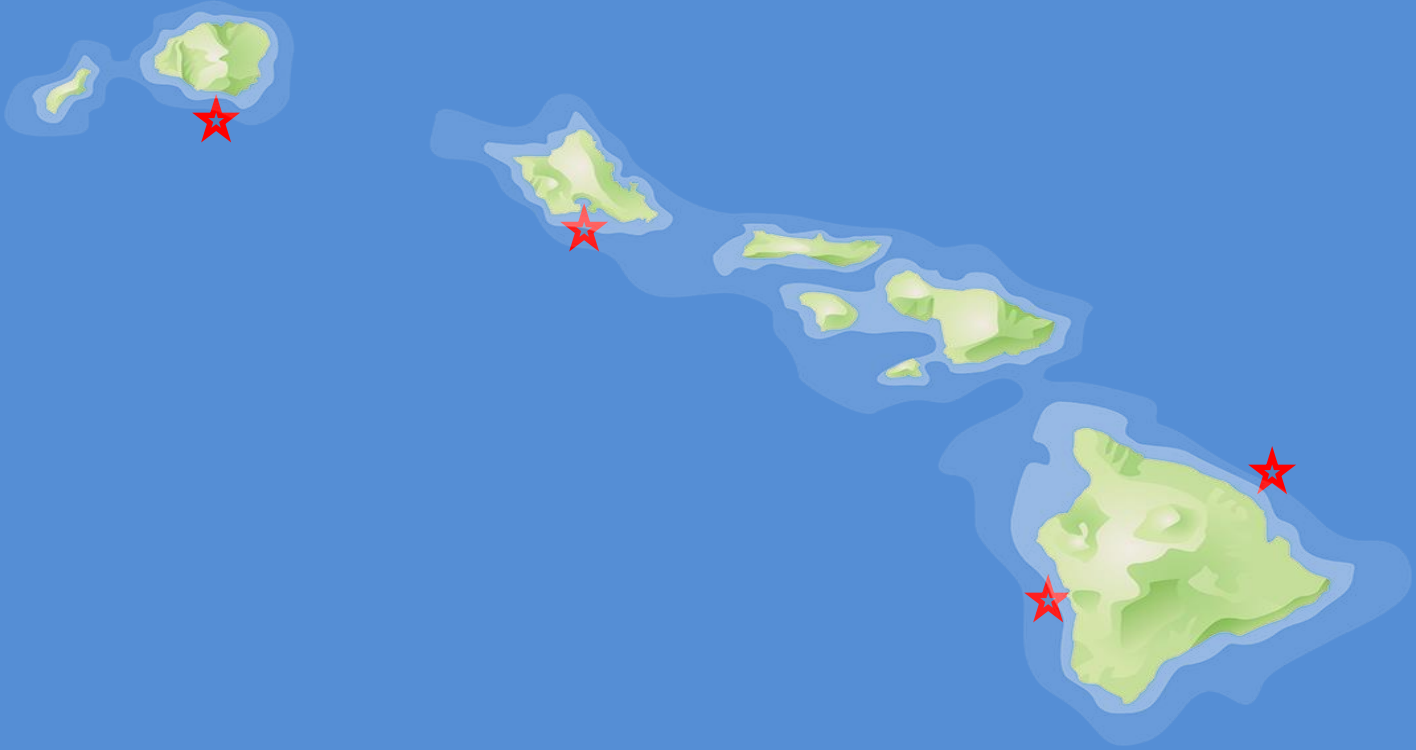
✓ Mental Health Issues

❖ Managed Lifestyle

✓ Alone and Isolated

❖ Support System







Wal-Mart pledges to hire 100,000 veterans

January 15, 2013

The company, which claims to already be the nation's largest private employer of veterans, says it wants to do more.

NEW YORK -- Wal-Mart, the world's largest retailer and nation's largest private employer, is making a pledge to boost its sourcing from domestic suppliers and hire more than 100,000 veterans.

Networking with Organizations to Fight for Status Upgrades and VA Benefits



***“Ask a Lawyer”
Hale Koa Hotel Job Fair
August 16, 2013***



***“Ask a Lawyer”
Oahu Veterans Center
November 9, 2013***



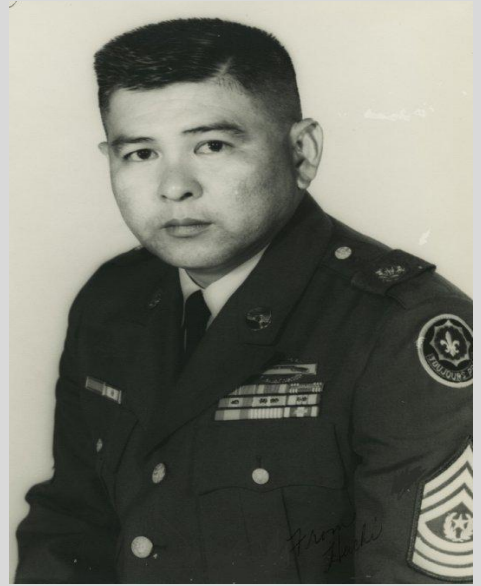
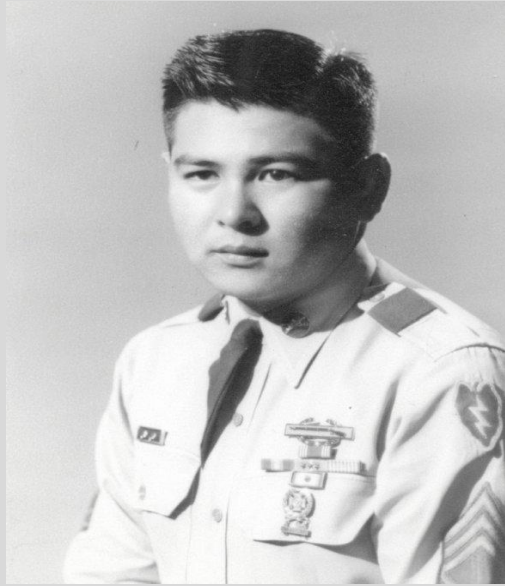
Development of a Veterans Legal Clinic





Why Me?

***Because I Care for Those
Who Have Served***







Mahalo

And Thank You Veterans for Your Service

Hon. Edward H. Kubo, Jr.
Circuit Court of the First Circuit
(808) 539-4133