

U.S. Senate Committee on Veterans' Affairs
Hearing on "Programs for Justice-Involved Veterans"

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Testimony by

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A combat veteran told me he would have been better off being killed in Afghanistan instead of coming home and being arrested for committing a civilian crime. As he described his shame, "I went from hero to villain."

This justice-involved veteran suffered from unhealed PTSD. As has been said about such veterans, the painful paradox is that fighting for one's country can render one unfit to be its citizen.

Fortunately, this veteran later became one of the first graduates of the veterans treatment court (VTC) in Johnson County, Kansas. I will talk more about this and other VTCs in Kansas. I do this because our experience could be a model for how other jurisdictions create and implement new VTCs and enhance existing ones.

Before doing that, let me say two things. First, I am Lawton Nuss, a Marine Corps veteran. Second, I am also the former chief justice of the Kansas Supreme Court — who left the Court with three years remaining in my term so I could devote more time to helping my fellow veterans. Chairman Moran, Ranking Member Blumenthal, and members of the Senate Committee on Veterans' Affairs, I am honored to speak before you today in both of those capacities.

Now to begin. In 2015, Kansas had no VTCs. Today, we have six, and we are working to establish more.

Johnson County was our first one. Some people insisted that because it is our state's wealthiest county (in the Kansas City Metro area), only a few of its veteran residents could possibly have committed crimes. Until someone called the sheriff, and he reported that 60 of his jail inmates were veterans. And that fact helped sell the need for a VTC.

Another VTC obstacle was funding. Some judges approached me, as chief justice and an old Marine, to ask for judicial branch funding. I replied that as much as I wanted to help, we had no funds. But these and other creators were so committed, agreeing to take on extra work for themselves, that they opened the first Kansas VTC in January 2016.

It has been thriving ever since, thanks in substantial part to later grants from the Bureau of Justice Assistance within the Department of Justice. For example, these funds have enabled the

court to broaden the pool of veterans eligible to be admitted to its program. So we thank Congress for those appropriations.

How do we know this VTC has been thriving? Consider that 89 veterans have graduated from the program during the last 10 years, and only five of them have been arrested for committing later crimes. That means 84 have been rehabilitated, a nearly 95% success rate. In other words, those are 84 people who, since their graduation, have stopped eating up any of the limited resources of the criminal justice system. More importantly, they are 84 people who returned to being contributing members of their families, local communities, and American society.

How did Kansas get five more VTCs? For starters, in 2020, the judicial branch hosted a VTC webinar where Chairman Moran and General Tate were some of the presenters. Additionally, the Johnson County VTC encourages all interested groups (from both inside and outside of Kansas) to come watch their court proceedings. And it encourages them to then talk one-on-one with peers, such as the VTC judge with the visiting judge and the VTC probation officer with the visiting probation officer. Along with that, this VTC reminds these visitors not only of how beneficial All Rise's training and technical assistance had been for it but also *will* be for their future VTCs. I participated in three or four of those training sessions in different counties before I joined the All Rise Board of Directors. As a result, I can independently attest to their value.

Also, BJA funding is helping to expand our VTCs statewide. The judicial branch's specialty court program manager and I both get notices from All Rise of BJA's funding opportunities. After discussion, she notifies all courts. She and her grant writer then help interested courts apply for these grants from BJA and other government sources to establish new VTCs and enhance existing ones.

The Kansas judicial branch also hosts a statewide specialty court conference each fall. Additionally, a supreme court justice acts as the specialty court liaison. She, or I, or both, attend the opening ceremonies and graduation ceremonies of our VTCs. And people like Chairman Moran, Congresswoman Sharice Davids, and General Tate accept our invitations to speak there. Because judges and court personnel share their information, word spreads of the supreme court's ongoing support for VTCs.

Admittedly, I can be zealous in this mission. I stay in touch with judges who have expressed interest in VTCs but for one reason or another have not yet created one. I stop by courthouses and check on their status with judges, prosecutors, and defense counsel. I share information about a VA computer program that can verify how many of their criminal defendants are veterans. And I give interviews with the media as well as speeches to lawyers' and judges' groups to encourage VTCs.

To further encourage more VTCs, I emphasize the money saved by avoiding incarceration and instead keeping a veteran in the community under court supervision, with access to rehabilitation. Keeping the veteran out of jail also typically prevents their family from needing public assistance, another cost savings. To judges, prosecutors and others in the criminal justice system, I also emphasize saving the *hidden* costs of recidivism — like the extra time now spent

investigating and arresting the veteran for their new offenses, drafting new charges, and ultimately trying the new cases to judges or juries.

Finally, I want to mention the Kansas Trifecta. Specifically, in Douglas County, which is the home of the University of Kansas (KU), three entities converge to help veterans. KU's campus contains the Lt. Gen. William K. Jones Military-Affiliated Student Center. There, students — including current and former military and their families — can come for services such as support from the VA's VetSuccess on Campus program, connections to campus and VA resources, and guidance and answers regarding GI Bill benefits. They also can enjoy the camaraderie found in a familiar, military-connected environment. The nearby KU Law School also maintains the new Veterans Legal Support Clinic, which offers free legal services to veterans across the state. Completing the trifecta is the new VTC of Douglas County.

Here is an example of how these entities can work together: A student comes to the Jones Student Center to discuss GI Bill education benefits. The Center then learns this veteran has an other-than-honorable (OTH) discharge, affecting their benefits eligibility. As a result, the Center refers them to the Veterans Legal Support Clinic. There, as the Clinic helps the veteran appeal their discharge, it learns of their criminal charges related to substance abuse. And it refers them to its contacts at the VTC. After the student obtains a discharge upgrade and becomes eligible for the GI Bill education benefits (and other VA benefits), the Clinic refers them back to the Center for help in understanding these services and navigating the process. Ideally, with the veteran now freed from these worries, they can focus on graduating from the VTC, where the charges may ultimately be dismissed, and their future made much brighter.

Kansas is demonstrating what it means to serve veterans from numerous angles. Many of these innovations would not be possible without Congressional support. So thank you, again, on behalf of my fellow veterans.

