STATEMENT OF THE
OHIO STATE BAR ASSOCIATION
IN SUPPORT OF SENATE BILL 179

Before the House Veterans and Military Development Committee
Representative Tracy M. Richardson, Chair

Chair Richardson, Vice Chair Mathews, Ranking Member Lawson-Rowe, and members of the Veterans and Military Development Committee: On behalf of the Ohio State Bar Association, thank you for the opportunity to present testimony in support of Senate Bill 179.

I am retired Justice Evelyn Lundberg Stratton, and I am appearing today as a Veterans advocate on behalf of the Ohio Bar. Senate Bill 179 contains two proposals from the Ohio Bar's Military and Veterans' Affairs Committee: to require all Ohio confinement facilities to identify and verify veterans who are incarcerated and to clarify that a veteran service commission may provide direct financial support to veterans' treatment courts.

Verify Veterans Status of Imprisoned Individuals

Over a decade ago, the Homeless Programs Office within the U.S. Department of Veterans Affairs (VA) created the Veterans Reentry Research Service (VRSS) (https://vrss.va.gov), an online tool that allows prisons, jails, and court staff to identify individuals within their custody that have a record of military service. The Department of Justice Bureau of Justice Statistics estimates that 7-8% of the U.S. prison population is comprised of military veterans. Historically, efforts to identify veterans in criminal justice settings have relied on self-reporting. Yet, for a variety of reasons, veterans may not self-report, frequently out of shame. This is a problem because incarceration is a significant predictor of future homelessness. Identifying justice-involved veterans at the earliest opportunity will enable the state to connect these people with resources and intervention often not available to the local confinement facility staff.

Senate Bill 179 requires all Ohio confinement facilities to use this existing and very effective online database developed by the VA to identify veterans who are imprisoned. Identification helps connect veterans with available services and allows for earlier possible intervention with justice-involved veterans.

Texas and Indiana have enacted similar legislation that requires their respective confinement facilities to use this system and database without charge by the VA. Likewise, some of Ohio's confinement facilities presently use the VRSS database to verify a veteran's status. In many cases, the results have shown significantly more veterans were identified in their confinement facilities than anticipated. That occurs because veterans frequently do not self-report when asked. Representatives of the Ohio judicial system have, in various ways, exerted significant efforts over a reasonable period to inform and encourage all other Ohio confinement facilities to adopt and utilize the VRSS system and database. Unfortunately, the results have been mixed.

Senate Bill 179 is needed to standardize the treatment of veterans in our confinement facilities so that all justice-involved veterans can be aware of and take advantage of their VA benefits, programs, and treatment opportunities to the extent possible in their confinement facility. Often local confinement facilities cannot provide benefits, programs, and treatment opportunities that are available through the VA. Given that incarceration is a significant predictor of future homelessness, identifying and helping veterans through the VA while in Ohio's confinement facilities may reduce future homelessness.

Senate Bill 179 requires confinement facilities: (1) register with VRSS, (2) verify the veteran status of each incarcerated individual not later than three days after booking, and (3) note the individual's status on all appropriate records. Confinement facilities would not be required to conduct duplicate searches if another institution has already complied with the requirements of the bill. Confinement facilities would be responsible for any training and computer software needed to conduct the search; however, cost-free support exists through the VA, and SB 179 allows veterans service commissions to provide financial assistance if the cost-free support is not available.

The substitute bill that the committee is considering contains updates that streamline provisions related to VRSS, and we support these updates from the Senate-passed version of the bill.

VSC May Provide Support to Veterans Treatment Courts

Senate Bill 179 also provides clarity to Veterans Service Commissions that they can provide direct financial support to veterans' treatment courts. This proposal stems from an Attorney General's opinion that authorizes this financial support. The Attorney General concluded: "[A] VSC 'has a duty' under R.C. 5901.03(E) to establish programs that make 'a systematic attempt, working together with other agencies, to increase available services specifically to veterans within the county.'" Op. Att'y Gen. No. 2011- 029.

Based on the duties of a VSC, the Attorney General concluded:

> "Pursuant to R.C. 5901.03(E), a VSC may establish an outreach program that is intended to work with and support a veterans treatment court. A veterans treatment court is designed to meet the unique needs of veterans appearing as defendants before the court by offering a variety of services to such defendants. Accordingly, an outreach program established by a VSC to work with and support a veterans treatment court constitutes "a systematic attempt, working together with other agencies, to increase available services specifically to veterans within the county" as required by R.C. 5901.03(E)." Op. Att'y Gen. No. 2011-047.

Each county in Ohio has a veteran's service commission (VSC) composed of five members (R.C. §5901.02). Each VSC is responsible for providing financial assistance and other aid to indigent veterans and their families (R.C. §§5901.03; 5901.08; 5901.15). A VSC is funded through a tax levy made by the board of county commissioners as the county's taxing authority (R.C §5901.11; see also 2011 Op. Att'y Gen. No. 2011-029).

This proposal will dramatically help veterans' treatment courts (VTC) because their resources are limited and access to VA employees is often limited as well. This proposal bridges that gap by codifying Ohio Attorney General Opinion No. 2011-047. It is important to remember these tax revenues are for veterans. All the 29 VTCs in 22 of 88 Ohio counties will greatly benefit from this financial assistance. The courts are typically staffed by a treatment team comprised of a judge, prosecutor, public defender, VA employees, and veteran peer mentors. Senate Bill 179 specifically authorizes VSCs to hire an employee who may assist a VTC, and that employee could be assigned to work out of the courthouse. This is consistent with the outreach VSCs are expected to provide.

Chair Richardson and members of the committee, thank you for the opportunity to provide testimony and I would be happy to answer any questions the committee may have.