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Thank you Representative Lippert and members of the House Judiciary Committee for allowing me to testify about H.555. If I may, before I comment specifically on H.555, I would like to put the issue and challenges of BI in VT's criminal justice system into some context.

### **Brain Injury in Vermont**

- More than 3000 brain injuries occur each year in Vermont with over 400 requiring hospitalization. More than 9,000 Vermonters currently live with its long-term impacts.
- Many brain injury survivors have never been properly assessed or treated for their injuries. In fact, **less than 5% of brain injury survivors in VT get community services of any kind.**
- 1500 Vermont military veterans came back in Dec. 2010 from their deployments in Iraq & Afghanistan with blast injuries resulting in long-term symptoms of Traumatic Brain Injury. As many as 20% may have sustained a TBI.
- School sports and concussions. Almost daily news points out that concussion is more than just a “bump” on the head and may have serious consequences if not identified and managed correctly.
- As many as 40% of persons who indicated they had incurred a TBI as defined by the CDC did not seek medical attention.
- 25%-87% of corrections population has sustained a TBI.
- 30% of homeless have sustained a TBI.
- 60% of those with substance abuse issues have sustained a TBI.
- 60% of those with mental health issues have also sustained a TBI.

### **Brain Injury in the Criminal Justice System**

- 25%-87% of corrections population has sustained a TBI.
- In contrast, it is estimated that 8.5% of non-incarcerated adults report a history of TBI
- Data suggest that the history of TBI may be as much as 10 times higher than the general population
- Causes - Assaults, motor vehicle accidents, sports

*The mission of the Brain Injury Association of Vermont is to create a better future for Vermonters with brain injury and their families through prevention, education, advocacy and support.*

- “Ever had a head injury” question – 1% / more detailed screen 86% - importance of screening
- Recidivism is higher in those individuals identified as having a history of BI
- TBI in the juvenile justice system – TBI is reported at higher rates among children and teens who have been convicted of a crime. TBI may go misdiagnosed as a learning disability or a related condition. Sometimes a child or teen will become involved in criminal behavior after they sustain a TBI. This is not because all individuals with TBI engage in criminal acts, but rather because TBI symptoms-such as cognitive impairment, memory loss, attention deficits or impulsivity-can lead to poor grades, aggressive behavior, and, in some cases, delinquent behavior

**Judicial – incarceration/probation – parole**

Education/Training – Addison County Court

Probation and parole

Limited services - Neuro Resource Facilitation

**H.555 –**

Fully support a process that provides appropriate services for those found not competent to stand trial due to a BI that are also a public safety risk.

Be careful not to conflate competency and public safety risk.

Not sure that Department of Mental Health is the right approach – capacity / expertise

Need a holistic approach to this issue

Education and Training

Screening

Supports and services

Not competent and public safety risk – DAIL (DS) – Resources with TBI Waiver Program

Not competent and not public safety risk – neuro resource facilitation

Other states – most work being done with transition from incarceration to the community

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