



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ABQ-10-003

TITLE: Veterans Treatment Court

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, each year hundreds of American Indian and Alaska Native Veterans are charged with misdemeanors and minor felonies. Many of these veterans have medical, mental health or other problems caused by or related to their military service. These Veterans often need rehabilitative services that are not otherwise available to them except through the Department of Veterans Affairs (VA); and

WHEREAS, American Indian/Alaska Native Veterans who have served this nation honorably and respectfully often struggle to reintegrate into civilian life even many years after their military career has ended. Thus many suffer from Traumatic Brain Injuries (TBI's), depression, anxiety and Post-Traumatic Stress Disorder (PTSD) as a result of combat; and

WHEREAS, American Indian/Alaska Native Veterans are known to have a Warrior's mentality and often do not address their treatment needs for physical and psychological healthcare; consequently they self medicate with alcohol and drugs, thus becoming involved with the criminal justice system; and

WHEREAS, each American Indian/Alaska Native Tribe would be authorized to establish a Veterans Treatment Court in their respective area to work with the VA to divert members of the American Indian/Alaska Native Veteran population who are charged with misdemeanor and select felony offenses away from jail and into rehabilitative programs; and

WHEREAS, (purpose) each Veterans Treatment Court would be established to provide interested veterans charged with misdemeanor and select felony offenses in their respective territory with the opportunity to realize better outcomes in their involvement with the criminal justice system through proper utilization of VA-sponsored rehabilitative programs; and

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WHEREAS, (authority) each respective tribe would have the authority to operate the Veterans Treatment Court as a unique Treatment Court. The VA has the authority to administer programs and provide healthcare to eligible veterans pursuant to Title 38 of the United States Code; and

WHEREAS, (Confidentiality of Veterans Records) The VA medical and claims records are and shall remain the property of the VA and shall not be removed or transferred from the VA except in accordance with 5 U.S.C. Sect. 552a (Privacy Act), 38 U.S.C. Sect. 5701 (Confidentiality of Claimants Records), 5 U.S.C. Sect. 552 (FIOA), 38 U.S.C. Sect. 5705 (Confidentiality of Medical Quality Assurance Records), 38 U.S.C. 7332 (Confidentiality of Certain Medical Records) and federal laws, rules and regulations. Subject to applicable federal confidentiality and privacy laws, veterans or their designated representatives may have access to information from VA’s records.

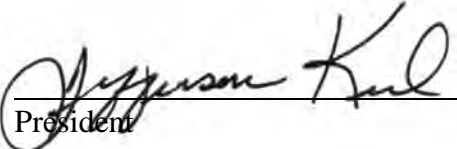
All individually identifiable health information shall be treated as confidential by the parties in accordance with all applicable federal, state, and local laws, rules and regulations governing the confidentiality and privacy of individually identifiable health information, including, but without limitation, the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby pledge its support to assist and promote the establishment of Veterans Treatment Courts in American Indian/Alaska Native/Hawaiian Native territories; and

BE IT FURTHER RESOLVED, that this resolution shall become the policy of NCAI until it is withdrawn or modified by subsequent resolution or action.

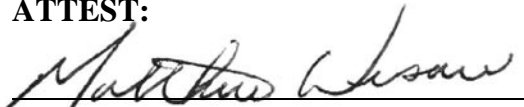
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2010 Annual Convention of the National Congress of American Indians, held at the Albuquerque Convention Center in Albuquerque, NM on November 14-19, 2010, with a quorum present.



President

ATTEST:



Recording Secretary