

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON VETERANS

Jointly with the

COMMITTEE ON MENTAL  
HEALTH, DISABILITIES, AND  
ADDICTION

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B E F O R E: Robert F. Holden, Chairperson  
Linda Lee, Chairperson

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## A P P E A R A N C E S (CONTINUED)

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1  
2           SERGEANT AT ARMS: Good afternoon and welcome to  
3 the Committees on Veterans jointly with Mental  
4 Health, Disabilities, and Addiction. At this time,  
5 we asked if you could please silence or vibrate your  
6 phones. Thank you for your cooperation. Chairs.  
7 We're ready to begin.

8           CHAIRPERSON HOLDEN: Thank you, Sergeant. Good  
9 afternoon. Welcome to today's joint veterans and  
10 Mental Health, Disabilities, and Addiction oversight  
11 hearing on Veterans Treatment Courts. I am  
12 Councilmember Robert Holden, Chair of the New York  
13 City Council's Committee on Veterans, and I'm joined  
14 by my colleague, Councilmember Linda Lee, Chair of  
15 the Mental Health, Disabilities, and Addiction  
16 Committee.

17           Those who have served in the military face unique  
18 challenges. The stress encountered in service can  
19 play a major role in mental health issues and  
20 substance abuse disorders, which can lead to  
21 psychological distress, trauma, suicide,  
22 homelessness, and involvement with the criminal  
23 justice system. Roughly 10% of people incarcerated  
24 in the US are military veterans, and more than half  
25 of those veterans are dealing with posttraumatic

1 stress disorder, depression, high anxiety, traumatic  
2 brain injuries, and substance abuse disorders. Since  
3 2004, the number of veterans treated for mental  
4 health and substance abuse disorders has increased by  
5 38%, and when compared to the general population,  
6 veterans are eight times more likely to have  
7 posttraumatic stress disorder, and two to four times  
8 more likely to have major depression.  
9

10 So many of our service members who are deployed  
11 overseas returned with serious physical or mental  
12 health problems which may lead to a reliance on  
13 alcohol or drugs to cope with the pain. Veterans  
14 Treatment Courts were created in recognition of this  
15 problem as a way to connect veterans with criminal  
16 charges to treatment rather than incarceration.

17 The Council last held a hearing on Veterans  
18 Treatment Courts in 2015 (so it's long overdue), and  
19 today we look forward to hearing an update on the  
20 growth of the program since then, as well as hearing  
21 from participants in the Veterans Treatment Court  
22 system to understand the successes as well as the  
23 challenges currently facing the program and identify  
24 ways in which the city can support Veterans Treatment  
25 Courts in the future.

2 While Veterans Treatment Courts sound like a  
3 great idea, there is limited public information as to  
4 how they operate, and the number of veterans  
5 participating in the programs, and what the outcomes  
6 are of veterans who go through these courts. I look  
7 forward to seeing more transparency from these courts  
8 and to learn more on how they are helping our  
9 veterans.

10 I want to thank the administration, the  
11 advocates, legal service providers, volunteers, and  
12 any individuals with experience who have taken the  
13 time to join us. At this time, I'd like to  
14 acknowledge my colleagues who are here today. We  
15 have a Councilmember Palladino, Councilmember... is  
16 Ariola... no? Okay. Councilmember Richardson  
17 Jordan, Councilmember Nurse? Okay. Well, I'll just  
18 move to you now. Okay. So we'll do that and you'll  
19 get to them. Finally, I'd like to thank the  
20 Committee staff who have worked to prepare this  
21 hearing, Committee Counsels Nicholas Connell and  
22 David Romero, and Legislative Policy Analyst  
23 Anastasia Zamina. Also my Chief Of Staff, Daniel  
24 Cucina and Legislative Director, Craig Karawana. I

1  
2 will now turn it over to Chair Lee for her opening  
3 statement. Thank you.

4 CHAIRPERSON LEE: Thank you so much shareholding.  
5 My name is Linda Lee, Chair of the Committee on  
6 Mental Health, Disabilities, and Addiction. I also  
7 want to say welcome to Councilmember Abreu, who has  
8 also joined us.

9 This is a very important hearing, and as Chair  
10 Holden had mentioned, we haven't had a hearing on  
11 this since 2015, and I think it's really important  
12 that now's the time where we recheck in and find out  
13 how things are going. And so I'm glad we're all here  
14 today, and thank you so much for those from the  
15 Veterans Office that have joined us today. So thank  
16 you so much.

17 New York City is home to over 135,000 veterans,  
18 with the highest number of residing in the borough of  
19 Queens, and many of these veterans began serving  
20 during the post-911 era.

21 According to New York Health Foundation, this  
22 number is expected to rise rapidly by 2025. The  
23 first Veterans Treatment Court was started in  
24 Buffalo, New York, in January 2008. And there are  
25 now 33 Veterans Treatment Courts located across the

state with one in every borough in New York City.

Within these courts, veterans facing criminal charges who meet court eligibility requirements are given the opportunity to avoid incarceration and receive a reduced sentence or have the charges dropped once they successfully complete an individualized treatment program.

One of the most successful aspects of Veterans Treatment Courts is the use of veteran peer mentors: volunteers who have previously served in the US armed forces, who play a critical role in helping participants navigate the criminal justice system and coordinate services with the US Department of Veterans Affairs and veteran service providers.

And as someone who has been in the mental health space and used to be on NAMI, New York City Metro, the peer model has been proven time and time again as an evidence-based practice model in terms of being super-impactful and effective in someone's recovery. So I really, really encourage the use of this in the Veterans Treatment Courts.

The impact of these courts is not nominal. According to a report published in the Journal of the Administration and Policy in Mental Health and Mental

2 Health Services Research, Veterans Treatment Court  
3 participants who complete treatment programs, as  
4 opposed to those who dropped out have consistently  
5 lower recidivism rates than traditional court  
6 participants. Another study showed that participants  
7 experienced improvements in mental health, overall  
8 functioning and social connectedness, and we owe it  
9 to our veterans to ensure that these critical  
10 services and programs offered are operating in a  
11 manner best suited to their needs.

12 I want to thank the administration for being here  
13 today to testify, and I look forward to learning more  
14 about the city's Veterans Treatment Courts and how  
15 the Council can best support these courts going  
16 forward. So thank you so much. I know Commissioner  
17 James Hendon is here. And of course, virtually  
18 online is my friend... dear friend and former  
19 Councilmember Vallone Deputy Commissioner. So thank  
20 you all for being here, as well as Bianca who's here  
21 as well right? Oh sorry... you're right in front of  
22 me. So thank you so much all for being here.

23 And in closing, I'd like to thank the Committee  
24 staff, Committee Counsel Sarah Suture and Senior  
25 Policy Analyst Christie Dwyer for their work on this

2 hearing, as well as my own staff. And now I will  
3 turn it over to Veterans Committee Counsel, David  
4 Rimer to administer the oath.

5 COUNSEL: Thank you. We're now going to call  
6 members the administration. Joining us today we have  
7 James Hendon, Commissioner of Department of Veterans  
8 Services, Paul Vallone, Deputy Commissioner of  
9 External Affairs for Department of Veteran Services,  
10 and Bianca Vitale, Intergovernmental Affairs Liaison  
11 Department of Veterans Services. Will you please  
12 raise your right hand?

13 Do you affirm to tell the truth, the whole truth  
14 and nothing but the truth before this Committee and  
15 to respond honestly to Councilmember questions?

16 ALL: I do.

17 COUNSEL: Thank you. You may begin when ready.

18 COMMISSIONER HENDON: Good afternoon Chair  
19 Holden, Chair Lee, members of Committee on Veterans  
20 and the Committee on Mental Health, Disabilities, and  
21 Addiction. I'd like to thank you for your leadership  
22 and continued support of our veterans. I look  
23 forward to sharing my perspective on today's  
24 oversight topic concerning Veterans Treatment Courts  
25 in New York City. I'd also like to thank our

1 community of Veterans Treatment Court mentors,  
2 represented here today by Herbert Sweat, founder and  
3 executive director of United Veteran Mentors  
4 Incorporated a 501-c3. I also want to thank Sky  
5 Pena-Davis, Regional Project Manager at the New York  
6 State Unified Court System, and Queens District  
7 Attorney Melinda Katz and her staff for the expertise  
8 and engagement with respect to Veterans Treatment  
9 Courts.  
10

11 New York State is home to more than 700,000  
12 veterans, including many who recently completed their  
13 military service. According to data reported by the  
14 US Department of Defense and estimated 200,000 active  
15 duty service members leave the US Armed Forces each  
16 year. The term "transition" describes the veterans  
17 movement from service in the United States Armed  
18 Forces to civilian life. Most servicemembers  
19 transition successfully without major difficulties,  
20 demonstrating extraordinary resilience in the face of  
21 wide ranging risk factors and obstacles. However, a  
22 subset of our veterans do experience serious personal  
23 challenges reintegrating into civilian life. This  
24 includes but is not limited to mental health  
25 conditions, substance abuse issues, the after effects

2 of traumatic brain injury, military sexual trauma,  
3 strained personal relationships, homelessness,  
4 unemployment, and criminality, among other things.

5 Overall research studies show that service  
6 related trauma exposure, combined with increased  
7 incidence of mental health and substance abuse  
8 disorders elevates the veterans risk of involvement  
9 in the criminal justice system. According to the  
10 Council on Criminal Justice, there were approximately  
11 181,500 veterans in America's prisons and jails. In  
12 2021, roughly 4%, or 1,416 of the 34,405 individuals  
13 under state custody in New York, were reported as  
14 verified veterans. Veterans Treatment Courts or VTCs  
15 provide an alternative to incarceration for justice  
16 involved veterans. VTCs are a type of problem-  
17 solving court modeled after drug and mental health  
18 courts, which serve veterans who have committed low-  
19 level offenses and have been diagnosed with mental  
20 health and/or substance abuse disorders, typically  
21 using a treatment team comprised of a judge, VA  
22 employees, and veteran peer mentors.

23 Participants in VTCs are offered mental health  
24 counseling and are connected to community based  
25 services as well as local, state and federal agencies

1 specializing in Veterans Affairs. Participation in  
2 Veterans Treatment Courts is voluntary and upon  
3 successful completion of the program, which typically  
4 takes 14 to 18 months depending on the nature of the  
5 criminal charge, veterans can typically have their  
6 record cleared, have the relevant criminal  
7 convictions have charges dropped or be reduced, avoid  
8 incarceration, and/or received a reduced term of  
9 probation.  
10

11 According to data compiled by the Criminal  
12 Justice Council, there are more than 600 Veterans  
13 Treatment Courts and other veteran-focused courts in  
14 operation across the country.

15 For more than a decade, New York State has been a  
16 leader in meeting the needs of justice-involved  
17 veterans. As of November 2022, New York State had 34  
18 VTCs located in 26 of the state's 62 counties. In  
19 New York State, Veterans Treatment Courts are  
20 overseen by New York State's Unified Court System.  
21 The New York State Legislature allocates costs that  
22 support the operation and maintenance of Veterans  
23 Treatment Courts statewide. The United States  
24 Department of Justice, through its Bureau of Justice  
25 Assistance, also issues grants to New York's Unified

1  
2 Court System. Grants issued to the Unified Court  
3 System fund the planning, implementation and  
4 enhancement of Veterans Treatment Court services  
5 throughout New York.

6 In fiscal year 2022, the Bureau of Justice  
7 Assistance issued New York State Unified Court System  
8 a discretionary grant for Veterans Treatment Courts.  
9 For FY 2022, the grant award was more than \$1.3  
10 million. According to the Bureau of Justice  
11 Assistance, the funding would allow New York State's  
12 Unified Court System to refocus its efforts on  
13 strengthening existing veteran's treatment courts,  
14 expand access to the courts and address critical  
15 emerging issues such as the expansion of mentor  
16 programs and early identification. Here in New York  
17 City, Veterans Treatment Courts have been fully  
18 operational in all five boroughs since 2016, with  
19 Manhattan and Staten Island being the final  
20 additions. After engaging staff from the New York  
21 State Unified Court System, the Queens District  
22 Attorney's Office and NYC-based Veterans Treatment  
23 Court mentors, we at the NYC Department of Veteran  
24 Services have identified an increased need to

strengthen the peer mentoring component of Veterans  
Treatment Courts.

VTC mentors are an integral part of a successful  
VTC. There is a need for additional peer mentors as  
well as long-term financial support that is dedicated  
to training mentors and funding their involvement in  
the program, defraying the many costs that these  
volunteers assume. Lived experiences important, and  
support for veteran peer mentors to have a safe place  
to discharge vicarious traumas due to their  
professional responsibilities is much needed.

Other components of VTCs that are need of  
improvement include identifying veterans as they come  
into contact with the criminal justice system. This  
is a critical first step for justice-involved  
veterans towards appropriately handling their cases  
in court and forging connections to VA benefits and  
services.

Veterans Treatment Courts are effective  
diversionary programs that have been shown to  
decrease recidivism, improve outcomes, save costs,  
and give a second chance to those who have served our  
nation. In my capacity as Commissioner of the New  
York City Department of Veterans Services, I look

2 forward to participating in this historic endeavor to  
3 strengthen the services of the veteran treatment  
4 quote programs in the five boroughs. My staff and I  
5 are committed to making sure that veterans who are  
6 involved in the criminal justice system are afforded  
7 an opportunity for rehabilitation rather than  
8 incarceration.

9 Thank you, again, for your leadership and the  
10 opportunity to testify on this important topic today.  
11 At this time, I look forward to your comments and  
12 questions. Thank you.

13 CHAIRPERSON HOLDEN: Thanks, Commissioner. We've  
14 been joined by colleague Councilmembers Botcher,  
15 Hanif, and Areola.

16 Thank you, Commissioner again for your testimony.  
17 You know, there are currently seven Veterans  
18 Treatment Courts located throughout New York City:  
19 One in Manhattan, two in Brooklyn, two in Queens, one  
20 in the Bronx, and one in Staten Island? Is that  
21 correct?

22 COMMISSIONER HENDON: That's correct.

23 CHAIRPERSON HOLDEN: Okay. So in your opinion --  
24 I know this is an issue, and I know you're supporting  
25

1 the VTCs -- but in your opinion, is this sufficient  
2 to meet the needs of veterans in New York City?

3  
4 COMMISSIONER HENDON: Thank you so much for that  
5 question, Mr. Chair. I want to defer to our district  
6 attorneys who manage these processes in those areas,  
7 as far as the nuance. To me, it's a question of  
8 depth. As far as you know, we have coverage  
9 geographically in this city, which we can't say as  
10 far as coverage throughout the entire state. So  
11 we've got the courts in the city, it's a question of,  
12 you know, How deep are we going with being able to  
13 provide the right services to those who go through  
14 it? And it's also about identifying our veterans so  
15 that they may be a part of this experience, in my  
16 opinion.

17 CHAIRPERSON HOLDEN: So we don't know about the  
18 workload of these courts? We don't know if, you  
19 know, they have... how... you don't know how many  
20 veterans are being treated in these courts, right?  
21 We don't have a number we can ask, you know, the  
22 courts when... when they testify. But do you have  
23 any... any information on that?

24 COMMISSIONER HENDON: The best I have is the  
25 number who've been identified by a criminal justice

1 agency. This is who is identified in pretrial, and  
2 then the DA's make the decision as to whether they  
3 want to offer the Veterans Treatment Court as an  
4 option in lieu of trial.  
5

6 And so the most recent number is a monthly count.  
7 The most recent count, looking at April of this year,  
8 it was 216 veterans... or folks who identified in the  
9 pre-trial status as being veterans, out of all who'd  
10 been in our system between those with felony  
11 misdemeanor violation infractions, things of that  
12 nature. So it's 216 identified at the pre-trial  
13 portion of it. As far as those who ultimately are  
14 offered VTCs, and who accept, that's... We don't  
15 have that information to share.

16 CHAIRPERSON HOLDEN: Okay. But what kind of  
17 legislative or administrative enhancements would be  
18 most useful in helping VTCs accomplish their goals?  
19 For instance, you mentioned about the mentoring  
20 training program, which, you know, that... that, to  
21 me is probably the most important enhancements we  
22 could make. I don't think they're funded now. Am I  
23 correct on that in the VTC's?  
24  
25

2 COMMISSIONER HENDON: That's correct, Mr. Chair.  
3 I look at it is... as far as the two sides of this,  
4 when we think about the VTC's and making them  
5 accessible: It's what happens before trial and what  
6 happens after trial. To me before trial, it's how to  
7 identify these veterans. And so you know, I just  
8 mentioned the number of 216. But this is a question  
9 of: Do we know everyone? Because it really is, you  
10 know, "I've been detained or I'm in custody now. And  
11 someone asks me," and I want to give credit to the  
12 Queens DA for making this the norm that PD will ask:  
13 "Hey, are you a veteran?" The thing is we have  
14 people who may not say yes to that question. We all  
15 know we've said in these hearings many times  
16 nationally 33.1% of veterans self-identify. In the  
17 state, it's 29.7%. In the city is 24.6%.

18 And so for us a piece of this is to automatically  
19 run every name through that goes in our system, to  
20 see who is a veteran so that we may increase the  
21 number of people we ask. We think that you've got  
22 folks who... when you ask them if they're a veteran,  
23 first think about the conditions they're in, as far  
24 as "I've just been... I'm under arrest, I'm going to  
25 the system, you're asking me this." A piece of it

1 could be, you know, "I have a dishonorable discharge,  
2 I don't really... I'm not going to answer yes to  
3 that. You know, I don't think I'm a veteran. I have  
4 a dishonorable discharge." Or it could be, you know,  
5 "I only served for a few weeks, a few months." We  
6 all know in this city now, if you took the oath and  
7 did at least day, we in New York City count you as a  
8 veteran.  
9

10 Or it could be the things we talk about in other  
11 hearings, where, "There's something that happened to  
12 me or that I did when I served, and I don't want to  
13 approach it at all. So I don't tell people I've  
14 served." And so for me, one side of it is to just  
15 automatically screen all who come through our justice  
16 system, as far as for veteran status, to increase the  
17 number of people we can even reach out to.

18 The other side of the coin, which I believe we  
19 have some folks who speak to after this is support  
20 for the mentors. To be a mentor effectively is  
21 saying, "Look, I'm going to volunteer to work with  
22 this person who either has a mental health issue and-  
23 or a substance abuse issue, or it's co-occurring.  
24 And I'm going to volunteer to be with this person  
25 through this journey..." which we see... we put in

1 testimony 14 to 18 months, it can be longer than that  
2 at times. And that's just the court-appointed time.  
3 You may maintain that relationship. And so, you  
4 know, we spoke with mentors who say, "Look, I spend  
5 upwards of eight hours a week working with my  
6 mentee." And so from the point of that assignment  
7 from the judge to that mentor, it's, "Okay, I want to  
8 go see him. Let's go have something eat and just  
9 talk." Who's going to pay for that meal? "I'm going  
10 to go see you." Who's going to pay for the gas?  
11 Who's going to pay for the MetroCard? "I need to be  
12 at the court, where we begin this thing. I need to  
13 pay for parking just be there." Or, "There's a  
14 training in Syracuse. There's a training in DC for  
15 veteran mentors. How do I pay to go to that?" And  
16 so that's the other aspect of this equation as far as  
17 creating an environment where it's fertile for  
18 someone to do this to be a mentor, and we're still  
19 grateful for their time, but it shouldn't come out of  
20 pocket as deeply as they do, Mr. Chair.

22 CHAIRPERSON HOLDEN: So, the mentoring program  
23 just to go back to the original question: In talking  
24 to veterans, and I've been talking since I became the  
25 Veterans Chair, I've been talking to many of them,

2 not only at the VFW halls that we have or posts, that  
3 the mentoring part of it is the most important.  
4 Sometimes they see that... talking to peers, more  
5 helpful than with a doctor, for instance. Especially  
6 when posttraumatic stress disorder comes in.

7 So funding that program, I think, is a goal of  
8 this Committee, at least, you know, for Veterans  
9 Treatment Courts to be... that's automatically  
10 attached... that should be. And whether it's  
11 volunteers mentoring, or... but they should be  
12 trained, obviously, to say the right thing, and...  
13 and that's why I'm also, on the mentoring part of it,  
14 trying to support our VFW halls, where they can  
15 maintain it, work on... we can get member items to  
16 fund... help fund enhancements to the actual halls --  
17 which I have a lot in my district, I'm sure other  
18 Councilmembers do.

19 But you know... and again, you know, my personal  
20 experience with my dad, when I was growing up, my dad  
21 came back from World War Two with undiagnosed  
22 posttraumatic stress, which is still happening,  
23 unfortunately. And I know firsthand what the family  
24 goes through. And my dad never got... he never got  
25 the treatment, and he died 50 years after the war,

1 but he never got any treatment for posttraumatic  
2 stress. And that's a... that's an issue on this  
3 Committee, that we... And just visiting the Borden  
4 Avenue Shelter... Men's Shelter. That's their number  
5 one complaint: That they're not really getting the  
6 mental health treatment, and as a result, many are  
7 getting into trouble.  
8

9 So they also point... the main point of, let's  
10 say, being in the shelter sometimes is that they can  
11 help one another. So we, you know, I hope we can  
12 work together on making that a reality where it's  
13 funded. And I'll certainly speak to the mayor, but  
14 if you can also help, because we know the importance  
15 of mentoring.

16 DEPUTY COMMISSIONER VALLONE: Commissioner, would  
17 you mind if I jumped in right there real quick?

18 CHAIRPERSON HOLDEN: Sure.

19 DEPUTY COMMISSIONER VALLONE: Hey, Chair Holden,  
20 my fellow Councilmembers. I feel like I'm up here in  
21 a virtual world looking down on everyone. I'm Paul  
22 Vallone, former Councilmember and now proud to be  
23 with DVS as Deputy Commissioner for External Affairs.  
24 Chair Holden, you kind of summed it up, as did the  
25 Commissioner perfectly. And if you look at the

1 strides, I guess, from the last hearing back in 2015,  
2 there weren't five... there weren't uniform in New  
3 York City, right?, the five counties didn't have the  
4 VTCs. Now at least we had that. But you still don't  
5 see uniformity throughout New York State. You've  
6 heard in the testimony there's only 32 throughout the  
7 state.  
8

9 So it's still county-driven, and district-  
10 attorney-driven, and we're so happy to have Melinda  
11 Katz, the Queens district attorney's representative  
12 here today to tell you how she's expanded that even  
13 further.

14 Your point, and the Commissioner's point on the  
15 need for the mentors and volunteers, and to address  
16 it either legislatively or through budget, is right  
17 on point. And we would 100% stand with you on that,  
18 because as you noted, that is the number one... well,  
19 second, right? First, as the Commissioner said, is  
20 identifying veterans, even beyond Veterans Treatment  
21 Courts. That's something we always hear in every  
22 hearing, identifying our veterans. And second is  
23 then getting the mentorship program to volunteer at a  
24 point where it's healthy enough to actually help the  
25 amount of veterans that need it. And the OCA, which

1  
2 is a state run Office Court of Administration's  
3 budget hasn't changed in years. And this is a state  
4 run program, right? This isn't through DDS. This  
5 isn't even through New York City. It's a New York  
6 State Program treatment courts. So we a DVS always  
7 assist any veteran that kind of finds himself in the  
8 program.

9 And unfortunately, like you we find ourselves  
10 often looking from the outside looking in trying to  
11 help or offer advice. So your point about, you know,  
12 challenging the Council and Administration to making  
13 this one of the priorities this year, especially  
14 since January is right around the corner, we would  
15 100% support you on that.

16 CHAIRPERSON HOLDEN: Thanks for that, and hope  
17 you're feeling better.

18 DEPUTY COMMISSIONER VALLONE: Thank you very  
19 much.

20 CHAIRPERSON HOLDEN: And we miss you on the  
21 Council, certainly.

22 DEPUTY COMMISSIONER VALLONE: Thank you my  
23 friend. And by the way, it's the first speaker's  
24 birthday. Mr. Peter Vallone is 88 today. So he says  
25 he's always watching, especially when we're on, so

1 you can hear the speaker in the background saying hi  
2 to his fellow Councilmembers.

3  
4 CHAIRPERSON HOLDEN: So the... And again, this  
5 could go to anybody, including Paul, but do the  
6 judges overseeing the Veterans Treatment Courts have  
7 any specialized training as... if you know that,  
8 Paul, or... or backgrounds related to veterans?

9 DEPUTY COMMISSIONER VALLONE: Well, you're going  
10 to hear from Aisha Greene, who's here and she's going  
11 to talk about that. We're lucky in Queens County to  
12 have a judge who's a veteran who oversees that, but  
13 it really is up to each county and each district  
14 attorney, if they're lucky enough to have a judge  
15 with... who is a veteran or is familiar with the  
16 issues, then that person will serve, but it's... it's  
17 not a requirement.

18 CHAIRPERSON HOLDEN: Yeah, so at least... We know  
19 the Veterans Treatment Courts do, obviously, have the  
20 veterans in mind to try to especially see if they're  
21 really getting the treatment that they need,  
22 especially for posttraumatic stress. And it's really  
23 a high rate when... when people come back, they don't  
24 even know they have it many times. And they just  
25 don't know why they're not, you know, they're not

1 functioning properly, possibly, or... But it's...  
2  
3 Obviously the Veterans Treatment Courts are less  
4 adversarial than other courts. But, you know, do we  
5 know how, you know, the results? Do we know the  
6 results of the, let's say, if they go to Veterans  
7 Treatment Court versus the regular courts? Do we  
8 know exactly the numbers? And I guess I could ask  
9 the Queens DA's office when they come in. But do you  
10 know anything about that? Or does anybody have that  
11 information?

12 MS. VITALE: Thank you for that question, Chair  
13 Holden. I think that question would better be  
14 directed towards the question, you know, to the DA's  
15 offices. But again, eligibility requirements are  
16 jurisdictional specific and locally specific. So  
17 that's ever changing. But again, I think that the  
18 DA's offices are in a better position to answer that  
19 question.

20 I think it also depends on the nature of the of  
21 the criminal offense. You know, I think when we had  
22 our conversations with Aisha Greene from the Queens  
23 DA's office, she gave us a great overview, and I  
24 think that their office would be in a better position  
25 to speak on that. Thank you.

1  
2 CHAIRPERSON HOLDEN: So Commissioner, what  
3 else... you know, we talked about your relationship,  
4 your DVS's relationship with the Veterans Treatment  
5 Court. And there's many ways that we could possibly  
6 work closer with the courts. Do you... Do you have  
7 any recommendations that the Committee can look at?

8 COMMISSIONER HENDON: I think that the two  
9 recommendations on the mentors side, and just to flag  
10 this right before the pandemic, we had a meeting with  
11 different mentors and various Veterans Treatment  
12 Courts just a couple of weeks before things shut down  
13 here in the city. One of the takeaways from that  
14 meeting was that the mentors should establish their  
15 own 501-c3, to establish an entity to help us solve  
16 this funding riddle, and that was a big complaint.  
17 And I'm so happy... I know Herb is here right now,  
18 Herb Sweat, who is one of the mentors who was there,  
19 and took it upon himself to go set up a 501-c3.  
20 You'll hear from him later. But we do have an entity  
21 now that is set up where it can receive funding from  
22 the Council to help with these aspects of... I think  
23 the mentor piece is, is so critical, because it's the  
24 long game. It's what we don't see once we pair that  
25 person with that mentee.

2 And so, you know, I think that that's one piece  
3 that we'll... we want to work with our, you know,  
4 nonprofits and our veteran service organizations in  
5 general, for them to, you know, really get those  
6 applications in, in the coming months to be able to  
7 apply for the appropriate funding from Council. So I  
8 think that's something that we can be able to impact.

9 As far as the issue of veteran identification on  
10 the other side of things, you know, prior to trial,  
11 we're in active discussions with the New York City  
12 criminal justice agency about what we can do with  
13 that component of it, as far as being able to try to,  
14 you know, go beyond the great work that DA Katz has  
15 done with making sure the PD asks the question, but  
16 say, look, let's just automatically one folks  
17 through. The VA has a database specifically for  
18 this. It's called the Veterans Reentry Search  
19 Service. It's for any justice-related stakeholders,  
20 They can run effectively a name, a social security  
21 number, and it'll tell you whether someone's a  
22 veteran. It is [vrss.va.gov](http://vrss.va.gov). It is a site. And so  
23 we've been talking with CJA, the Criminal Justice  
24 Agency, about how we can work together on doing that,  
25 using that as a filter so we can have more people

2 that we even know amongst the pools. So we know  
3 every single veteran who's touched in this community,  
4 and we can make sure that by knowing that, we will  
5 automatically I, believe increase the number of folks  
6 who enroll in the treatment courts, Mr. Chair.

7 CHAIRPERSON HOLDEN: Or just meeting with the  
8 DA's Office for each borough from time to time, just  
9 to go over individual issues that let's say a veteran  
10 has. Obviously as a veteran, Commissioner, you could  
11 you could identify with the person possibly more than  
12 an ADA. So it would be good, and Paul... Paul  
13 Vallone, if you have some suggestions on that where  
14 we could set up a regular correspondence, or at  
15 least... and it could be over zoom, it doesn't have  
16 to be in person, where this can be discussed  
17 individual cases with the.... with the DAs offices.  
18 What do you think about that?

19 MS. VITALE: May I...

20 DEPUTY COMMISSIONER VALLONE: Well I... Go ahead.  
21 Go ahead, Bianca. I'm sorry.

22 MS. VITALE: Thank you for that suggestion, Chair  
23 Holden. I think that's a great proposal. And again,  
24 we are happy to work with the Mayor's Office of  
25 Criminal Justice, who's really the lead on that. And

1 we'll have a supporting role. But we're happy to get  
2 all the stakeholders at the table and further those  
3 conversations. I think checkins would be great  
4 periodically to see how our agency and other city  
5 agencies can support the work of the Veterans  
6 Treatment Court program.

8 CHAIRPERSON HOLDEN: I think it's a good idea. I  
9 think if we... especially on... on problem cases,  
10 that somebody keeps getting involved with the  
11 criminal justice system, that possibly somebody could  
12 step in from the DVS. But alright, I'm going to kick  
13 it over to my co-Chair, Councilmember Lee.

14 COMMISSIONER HENDON: If I may add one thing to  
15 Mr. Chair, I know that our VA... our partners at the  
16 VA, our Veteran Justice Officers, our VJOs, also  
17 maintain a line of communication with... with all  
18 stakeholders here, too. So just to confirm that that  
19 kind of discussion is happening. We definitely  
20 appreciate the recommendations, and they... we  
21 should try to have a seat at the table on this. Just  
22 want to flag that, Mr. Chair.

23 CHAIRPERSON LEE: Um, quick question. So going  
24 back to the pre-trial stage that you were talking  
25 about. If you could just go into a little bit more

2 detail. So what are the requirements for someone to  
3 get into the pre-trial? Is it that they are  
4 diagnosed ahead of time with one of the mental  
5 health... with a a mental health professional? Or  
6 how does that work to usually have them qualify for  
7 this?

8 MS. VITALE: Thank you for that question, Chair  
9 Lee. To the best of our knowledge, I think the  
10 intake is conducted by the Criminal Justice Office.

11 COMMISSIONER HENDON: So the best way to put it  
12 is... this... and first off, this is the only city in  
13 America where every single person who is going  
14 through the system has someone actually interview  
15 them physically. And so yeah, New York, you know,  
16 Criminal Justice Agency does that component. So if  
17 someone is taken into custody by, say, a police  
18 department, they are ultimately the detainee at a  
19 point, and then the Criminal Justice Agency will do a  
20 screening of that individual. This occurs with every  
21 single person who goes through the system in New York  
22 City.

23 MS. VITALE: So and then based... Thank you for  
24 that, because I forgot the acronym. I appreciate the  
25 assist.

2 Back to my answer. Basically, after the intake  
3 happens, the eligibility requirements, again, are  
4 specific to each of the Veterans Treatment Courts in  
5 New York City. So...

6 COMMISSIONER HENDON: And it's the DA's call,  
7 Madam Chair. So the DA will have the information to  
8 make the call. Do we want to, you know, say that we  
9 will allow this person to go to the treatment court?  
10 Or are we going to still pursue charges in  
11 traditional way? And there's several issues that may  
12 lead them to say, "Look, we can't offer the treatment  
13 court here. This person could be an arsonist. This  
14 person could be a sex offender. There could be a  
15 certain classification of the crime. And so it's  
16 really that DA who makes the call on that. And from  
17 that point, you've got the defense bar that is  
18 involved from that point. But it really is PD to  
19 Criminal Justice Agency to district attorney to  
20 defense bar as far as the different steps, Madam  
21 Chair.

22 CHAIRPERSON HOLDEN: It's just... Oh, sorry.

23 MS. VITALE: I'm good.

24 DEPUTY COMMISSIONER VALLONE: No, and  
25 Councilmember we just... just to even another layer

1  
2 on top of that, you can have district attorneys who  
3 handle that part of it even separately. So you'll  
4 hear from District Attorney Melinda Katz's  
5 representative that she's even taken the step to  
6 create three: Felony, misdemeanor, and family court.  
7 Some counties only have one. Some counties don't  
8 have any. So it just goes to show the call for  
9 uniformity is really important, not only throughout  
10 the city, since we have it. But even within the  
11 city, each district attorney handles it separately.  
12 So once you go into the minutiae of... of the mental  
13 health treatment part of it, the resources part of  
14 it, it's so difficult from our standpoint at DVS  
15 to... to get any type of scope into it because (a)  
16 it's not within DVS, but it's... there's so many  
17 other state and city levels to it, and most of it is  
18 by the determination of the District Attorney in the  
19 county.

20 So this is a good conversation here to understand  
21 it, but we really have to get on a state level too,  
22 to get to OCA to say, "Listen, why don't we have this  
23 process uniform in each and every county. So that's  
24 what makes it even more difficult.

1  
2 CHAIRPERSON LEE: Okay, great. Sorry. Before  
3 going any further, just want to recognize that we've  
4 been joined by Councilmember Cabán, as well as Deputy  
5 Speaker Ayala... Councilmember Ayala who is on  
6 virtually, I believe, so thank you for joining us.

7 Okay. So I just wanted to go a little bit into  
8 the participant in the VTC treatment programs a  
9 little bit. So what do the VTC treatment programs  
10 consist of, and how long do they generally run?

11 COMMISSIONER HENDON: Madam Chair, it's really a  
12 reflection of how long that sentence is. And so  
13 it's... it's... once someone is deemed that... and I  
14 want to also flag that because of note, an issue  
15 is... the treatment need must be there for someone to  
16 be directed to that treatment court. So someone who  
17 has either a mental health issue or substance abuse  
18 issue or these things being co-occurring. And so  
19 once you're in that treatment court, then that  
20 sentence, which is typically somewhere between 14 to  
21 18 months and sometimes can be longer is conferred,  
22 and part of it is to constantly meet with a mentor,  
23 who is assigned to you throughout that process, and  
24 mentors meet often weekly, if not more, with these  
25 individuals as they're making their transition.

1 CHAIRPERSON LEE: Okay.

2 MS. VITALE: And then also, I'd like... I'm so  
3 sorry. I didn't mean to cut you off Chair. I just  
4 also want to add that a Veteran Justice Officer from  
5 the VA is usually connected with this program  
6 participant to connect that veteran with VA services,  
7 or state and local services that may be available to  
8 that veteran participating in the Veterans Treatment  
9 Court. So not only are you getting, you know,  
10 substance abuse or help with your mental health  
11 issues, but you're also being connected with other  
12 services that, you know, maybe desperately needed,  
13 like help with employment, housing, things of those  
14 natures.

15 COMMISSIONER HENDON: And that can be made  
16 available to the veteran regardless of whether they  
17 go through the Veterans Treatment Court as far as  
18 giving them access to that... that VJO... that...  
19 that VA official.

20 CHAIRPERSON LEE: Okay. And just out of  
21 curiosity, how are you all in terms of an agency  
22 connected with other city agencies that, for example,  
23 may overlap with some of the things that you need  
24 support on? For example, DOHMH, or any of the  
25

1 supportive services either maybe within the hospitals  
2 or... or outside the hospitals and outpatient  
3 treatment centers? And I guess the reason why I'm  
4 bringing this up is because I think when I was at my  
5 former nonprofit, one of the... one of the things I  
6 noticed is that it's very siloed, a lot of the city  
7 agencies. And so it seems like your agency really  
8 encompasses a lot of other needs for other services.  
9 And so I just wanted to know what that relationship  
10 was like, and if there is maybe some need, perhaps,  
11 for some sort of taskforce or -- I hate using that  
12 word -- like a joint... some kind of joint commission  
13 or something, because I just feel like this is a very  
14 important need that is very siloed. And I know that  
15 the agency itself is on the smaller side. And so how  
16 can we utilize other city agencies to help support  
17 the work that you all doing?

19 COMMISSIONER HENDON: Thank you so much for that  
20 question, Madam Chair. Well, structurally I'm... I'm  
21 so grateful that this administration moved us to be  
22 under the Health and Human Services vertical within  
23 city government before we want the special projects.  
24 And so we are more removed. We had relationships,  
25 but it wasn't as seamless as it is now. You know, we

2 fall under the Deputy Mayor Ann Williams-Isom. So a  
3 structural component, where we have a seat at the  
4 table with these other groups that touch social  
5 determinants of health exists.

6 So I'd argue that we had a strong relationship  
7 prior to this administration, but it's much, much  
8 stronger now. And just as a... just to put it out  
9 there too: By charter our area is... as you... as  
10 you've inferred, it's very expansive. We cover  
11 health care, housing, benefits, culture, education  
12 and employment. And so it's a lot of different  
13 pieces. And so for us being so small, and being the  
14 youngest agency -- the only city in America with an  
15 agency dedicated to its veterans -- a lot of our work  
16 is done through these different collaborations and  
17 different partnerships. So that is something that we  
18 do put into practice, Madam Chair.

19 CHAIRPERSON LEE: That's awesome. And how do  
20 you... And so I'm guessing that if since you're under  
21 that larger agency, do they also help when it comes  
22 to outreach or...? Just out of curiosity, who are  
23 the partners in the communities that you work with  
24 that you... that work in outreach? And I, you know,  
25 I just... And also, just if you could speak a little

1 bit on maybe some of the differences, because when I  
2 was... I actually used to work at New York Health  
3 Foundation that came out with a lot of the reports  
4 that are in here, and they were very big on, you  
5 know, working on mental health within the veterans  
6 community. And I think once they started working  
7 with more of the post-911 veterans, they realized  
8 that some of those veterans' needs were perhaps a  
9 little bit different than previous generations.  
10

11 And so I was just wondering out of curiosity,  
12 from, you know, what you're seeing if there... if you  
13 think there's a need for more specific programs,  
14 based on, you know, more recent vets versus  
15 previously, or if...? I know that there's very  
16 similar issues as well. But just wondering.

17 COMMISSIONER HENDON: I think the biggest issue  
18 for us -- and I appreciate this question, too --  
19 it's... it's identifying the veterans. I keep  
20 telling people you see me, there are two to three  
21 people you don't see who served. And so just like  
22 for this issue, where the heart of it is: Who are  
23 these veterans who are just as involved and won't  
24 even tell folks right now. How do we identify them?  
25 Likewise, something that we've been pursuing is, it's

1 called The Deadly Gap. It's that first year after  
2 someone is leaving the military, with the chances of  
3 them committing suicide are twice as great as they  
4 were compared to active duty service members, and  
5 compared to veterans. It's less than twice as great  
6 compared to veterans. It's more than twice as great  
7 compared to active service members. And so a lot of  
8 work we've been doing separate from this is: As of a  
9 few weeks ago, we now receive all of the electronic  
10 separation records for all veterans coming to New  
11 York City. We used to estimate it was somewhere  
12 around 2500. The number we believe now is three to  
13 5000 of the 200,000 who leave the service each year  
14 come to this city. We know who they are.

16 So we're taking steps right now to say, "Look, we  
17 want to have a transition assistance program seminar  
18 for you." When you leave active service, you have a  
19 five day seminar you need to attend, were at that  
20 last location, people give you the whole firehose of  
21 things you should know before you get out, et cetera.  
22 We want to have our own version of that here in New  
23 York City for veterans as a way of welcoming them  
24 home, starting virtually in January and then  
25 transitioning to something in person, hopefully every

1 other month, starting sometime in the spring, looking  
2 like April, as far as our start date for that. This  
3 goes back to knowing who our brothers and sisters  
4 are. If we identify them upfront and have  
5 relationship upfront, we can perhaps prevent them  
6 from even being in these situations in the first  
7 place, or heaven forbid, they are in a situation, we  
8 know who they are, and so we have the relationships.  
9 I'd argue that's a huge piece of the pie. It always  
10 comes back to self-identification.  
11

12 And as far as partnerships: Two that I'd point  
13 out. One is your former employer, the New York State  
14 Health Foundation, they've been instrumental with us  
15 as far as things we've done on veteran food  
16 insecurity, just as an example. Another one to speak  
17 to this subject right now, it's New York City and New  
18 York State's Corrections Departments, where we've  
19 been very adamant about tying in with the folks in  
20 the veterans wing at Rikers or 2 Main of C-95 at the  
21 Anna M. Kross Correctional Center, to you know... to  
22 tie in with those people... those veterans, so that  
23 when they come back, we try to shorten the amount of  
24 time that they may deal with housing insecurity.  
25

2 That's something we are having active conversations  
3 with the Corrections Department with in the city.

4 At the state level, we have roughly 30 veterans  
5 who leave being incarcerated, leave state  
6 penitentiary and come to New York City every quarter.  
7 We're trying to work to put hands on them, similar  
8 topic. Making sure we can shorten the amount of time  
9 someone is housing insecure when they get out, having  
10 them take advantage of things that are available to  
11 them as far as programs and subsidies.

12 So those are just some examples of different  
13 partnerships that we've got, that kind of touched  
14 these issues of identifying the veteran and helping  
15 them, Madam Chair.

16 CHAIRPERSON LEE: Thank you so much. And that's  
17 actually an alarming... You said that the rate of  
18 suicide is... How much more percentage wise in the  
19 first year?

20 COMMISSIONER HENDON: So it's... That 12-month  
21 period after you leave active duty service, it's  
22 roughly double the likelihood of taking... dying by  
23 suicide compared to, you know, the veteran statistic  
24 and compared to the active duty statistic. So yeah.

1  
2 CHAIRPERSON LEE: And just out of curiosity,  
3 because let's just say, there's a veteran who comes  
4 back and initially just is not really interested in  
5 participating or, you know, being involved in these  
6 services. Do you also then track them on an annual  
7 basis? And just check in like, what's that process  
8 look like? Because...

9 COMMISSIONER HENDON: It's funny. So this is a  
10 program we've done in partnership with the Office of  
11 Community Mental Health, it's called Mission Vet  
12 Check. We make it a point to do Buddy Check wellness  
13 calls on our veterans on Wednesday nights. That  
14 program is on a hiatus right now. We're looking to  
15 bring it back in January, as New York Cares, our  
16 operating partners in some restructuring.

17 But that's a program we have volunteers who,  
18 wherever you're at, you can be home, you know, it's  
19 all remote. It's the same type of technology used  
20 when folks who are running for office have folks  
21 calling, you know, for elected officials. That same  
22 tech is used to have volunteers call our veterans,  
23 and it's important to us that our veteran always gets  
24 a call. We check in, we see you, we hear you, we  
25 love you. Let us know what you need. And so that's

1 us going on offense to keep... maintaining that line  
2 of communication with our people.  
3

4 CHAIRPERSON LEE: Okay. Wow. That's great to  
5 know. And in the... the you said, it's going to go  
6 back online in January. Was it offline, you said  
7 because of restructuring? Or was...

8 COMMISSIONER HENDON: It was the restructuring of  
9 New York Careas. New York Cares had a change in  
10 leadership, and that was our operating partner. And  
11 so right now we're coming back to them to restart  
12 that.

13 CHAIRPERSON LEE: Okay, that's good to know,  
14 actually. And then, of course, the... So for the  
15 outreach programs, just out of curiosity. Is  
16 there... is there, I guess, any partners, for  
17 example, in the... just my nonprofit head also.  
18 Because there... is there education done on that  
19 side? Because I'm trying to think of all the  
20 different entry points that people may come in. And  
21 just like you said, I don't think people necessarily  
22 always identify or come out saying that, "Hey, I'm a  
23 former vet." And so is there any education amongst,  
24 you know, whether it be the food pantries or other  
25 places that may... they may come in, or for

2 outpatient mental health services to ask and then  
3 also for them to refer? I guess, I'm just trying to  
4 figure out if there's a seamless referral process  
5 that's happening.

6 COMMISSIONER HENDON: A lot of... a lot of the  
7 job for... I'd argue for Paul and I, is trying to get  
8 in front of different stakeholders and say, "Please  
9 ask the question," as far as to ask the question, "Is  
10 this person a veteran?"

11 You know, we have an executive order now that's  
12 been enacted by our different agencies also that was  
13 set up. Its executive order 65 where that forces or  
14 agencies to ask that question. A lot of when we  
15 spoke with the delegation as far as the Queens  
16 delegation separately, it was just, "Please ask the  
17 question." And so for us, it's tying in with  
18 different community leaders, be them community  
19 benefits organizations, be them other providers,  
20 including our elected officials. It's very key to us  
21 that, you know, everything from the 30th district to  
22 the 23rd, district, etc, that when someone comes in  
23 that you're asking that question also, and that, you  
24 know, please feel free to send folks to us on the  
25

1 constituent services side if you have any veteran or  
2 veteran family members who have needs.

3  
4 CHAIRPERSON LEE: Okay. Thank you,

5 DEPUTY COMMISSIONER VALLONE: You know,  
6 Councilmember Lee, you're... you're on the right  
7 path. And just like the Commissioner was saying:  
8 It's how do we get the data and the information from  
9 the amount of veterans going into the five boroughs  
10 and the courts? What type of treatments are being  
11 provided? And then how can we address that like  
12 Chair Holden said through either the budget or  
13 legislation, or at least get that information?

14 And, you know, having a conversation today is  
15 important, but like, our attorney, Bianca Vitale,  
16 said, it's not really through DVS. So it's a state,  
17 it's MOCJ, it's... there's so many different  
18 participants, and then the individual district  
19 attorney's approach to the problem, too.

20 So I think one of the ways that, first steps,  
21 like you said, is to at least get the data to us  
22 through the city, get it to the administration, get  
23 it to MOCJ, get it to the Council. Have it record,  
24 like how... what amount? What programs are being  
25 used? What's the most efficient? What budget is

1 being used? How many veterans are going through the  
2 courts? And then have that presented on a biannual  
3 or annual basis, so then we could kind of go through  
4 it. It's... it's kind of difficult for us. And, you  
5 know, for us today to kind of go further into the  
6 questions you're asking, because we're not getting  
7 that information. But that's the right path, right?  
8 The questions as the Mental Health Chair, that you're  
9 exactly focusing on: How can we bring light to this?  
10 And I... that first step, like the Commissioner says,  
11 identifying and then seeing how many. And so much of  
12 that goes beyond the conversation today,  
13 unfortunately.

15 COMMISSIONER HENDON: And I want to, I want to  
16 add too, just giving that we are speaking to this  
17 body. You know, we're currently in discussions with  
18 the General Counsel's Office for the speaker so that  
19 we can share our veteran contacts with you. Because  
20 we only have so much as far as resources, we're only  
21 so large as an agency. But if you know who in, say,  
22 the, you know, the 23rd, who in the 32nd, who in the  
23 9th? Et cetera. You know, if you know who these  
24 people are in the 22nd, if you know who those folks  
25 are, then you're another extension of outreach to us,

2 as far as touching people. This largely... largely  
3 goes back to touches, as far as how many times does  
4 someone need to say something to me about me being a  
5 veteran for me to say, "Hey, look, let me take  
6 advantage," or for my family members say, hey, "Look,  
7 mom, dad, you know, you should take advantage." And  
8 so that's something we're very excited about, too, as  
9 we come into this new year, Madam Chair.

10 CHAIRPERSON LEE: Okay, and then one last  
11 question, because so sorry, I'm taking too much time  
12 Chair... I was going to say Chair Bob. Sorry, Chair  
13 Holden. So just... and to your point that... I was  
14 just curious. Because I'm... I love data, and I'm  
15 just curious. I think one of the challenges is, is  
16 that it's tough to find a really good database system  
17 to collect everything. So I'm just wondering, you  
18 know, how do you... how do you collect the data from  
19 all the different entry points? And is there a  
20 centralized way to... to report on that? Or is that  
21 something we could work on? Or is that... Just out  
22 of curiosity?

23 COMMISSIONER HENDON: I wish our CIO were here,  
24 because she could answer this. She would geek out on  
25 this question right now. The best thing I can say

1 is, you know, we do leverage our Vet Connect NYC  
2 portal as a place where we house a lot of our data.  
3 Like all of our... It's the brain box for us.  
4 It's... it's our own platform for digital related  
5 services. But that's the center of gravity for us.  
6 It's something that is run by a group called Unite Us  
7 that we've worked with. That is... You know, that's  
8 our place where anything that involves our Veterans  
9 Services, we house that information. But forgive me  
10 for not being able to geek out as much as you need me  
11 to as far as getting in the nuances of what we're  
12 doing database wise, Madam Chair. I'm sorry, I don't  
13 know if Bianca, if you have anything.

14  
15 MS. VITALE: We're happy to follow up with our...  
16 Emily. I'm blanking on her title here...

17 COMMISSIONER HENDON: Our Chief Information  
18 Officer.

19 MS. VITALE: Yeah. We can definitely follow up  
20 with committee staff and get your specific questions  
21 for data. And we're definitely happy to further the  
22 conversation about data solutions. So thank you for  
23 asking.

24 CHAIRPERSON LEE: Yeah. No, I'm just always  
25 curious to see how it can be in how it's inputted, or

1 how other agencies can put in their information. And  
2 so I'm just wondering about that.

3 MS. VITALE: Yes, we are definitely happy to  
4 further the conversation.

5 CHAIRPERSON LEE: Thank you.

6 MS. VITALE: Thanks so much again.

7 CHAIRPERSON HOLDEN: Thank you. Thank you, Chair  
8 Lee. Just one other point to make on... um... you  
9 know, I know the ADA is here. We're going to...  
10 We're going to hear from at least someone from the  
11 Queens DA's office, in testimony. And, you know, I  
12 asked DA Katz recently about: How do we find out if  
13 they're veterans, um... in the precinct? Let's say  
14 they're, you know, the individual's arrested. And  
15 she said we did create a form where there's a  
16 veterans box on the arrest and... on the... in the  
17 arrest record, and identifying veterans early is  
18 very, very important. Even on the precinct level.  
19 And I know in the DA's office. But I know... also  
20 know the workload of the ADAs, which is, I mean, it's  
21 mind boggling how many cases they're handling, and  
22 how... we know that veterans can fall through the  
23 cracks. So we do need a failsafe program that we can  
24 structure -- and hopefully your office can help do  
25

1 that -- where we could make sure that veterans don't  
2 fall through the cracks. They don't do a couple of  
3 weeks at Rikers, when they could be getting the help  
4 they need. Rather than sitting in jail, they can be  
5 getting veterans help, because they are special. The  
6 veterans have given to our country, and have given  
7 their time and certainly service, and many times  
8 their mental health to... to this country. And we  
9 certainly should support them with programs where  
10 they're not falling through the cracks.  
11

12 So if we can work out a system where... and that  
13 may be very difficult, and certainly with budget  
14 cuts, but if we can do that, I think that's a goal  
15 for this Committee.

16 But thank you, and I just want to turn it over to  
17 my colleagues now. Councilmember Cabán has a  
18 question.

19 COUNCILMEMBER CABÁN: I have quite a few Chair.  
20 Thank you. Thank you for being here today. I want  
21 to start with... with something really, really basic.  
22 Is just... you know, I'm a former defender. I have  
23 represented lots of... of veterans in criminal court  
24 and still have former colleagues that are practicing.  
25 And this was true when I was practicing, and it's

2 true today. I've heard from defenders that  
3 there's... there's a lot of difficulty in referring  
4 veterans to the right resources, namely, knowing what  
5 the resources are. And I've heard a desire for a  
6 streamlining of making those connections. So giving  
7 you the scenario of like: I'm in arraignment, I pick  
8 up a file, I talk to that client, that person is a  
9 veteran, and they're a veteran in crisis. Who do I  
10 call? What... What is the first call that I should  
11 make?

12 MS. VITALE: I'm going to just answer that.  
13 Thank you for that question, Councilmember Cabán. I  
14 believe, um, in terms of VTC's, the Veterans  
15 Treatment Court program, the first point of contact  
16 to refer the veteran to services would be the VJO,  
17 which is an employee of the VA. But most certainly,  
18 we can work with the Mayor's Office of criminal  
19 justice to see how the city can have representation  
20 in that process. So if there are benefits that the  
21 city offers, that maybe the state or the VA doesn't  
22 for this specific veteran, we can jump in, but we're  
23 happy to further those conversations.

24 But in terms of veteran treatment court programs,  
25 I believe the VJO, the Veteran Justice Officer, who's

1  
2 an employee of the VA, is the individual who would  
3 connect that veteran with services specific...

4 COUNCILMEMBER CABÁN: And I'm more specifically  
5 talking about at the earlier stage of arraignment  
6 because the... the reality is, is that in order to  
7 even get to a place where you're maybe accepted into  
8 Veterans Court, you know, it's and you talked about  
9 the... the DA's role in getting the information but,  
10 like, it takes them a minimum of like eight weeks to  
11 approve somebody for court -- which that's... that's  
12 eight weeks that a person is potentially in crisis  
13 and not getting access to the services they need --  
14 and then that begs the question of whether or not,  
15 really, because the reality is that the dynamic in  
16 courts, especially when it comes to the different  
17 treatment courts is that the judges... when it's  
18 not... when the when the culture and practices not  
19 pre-plea diversion, judges defer to DA's positions,  
20 and they will not do anything that the DA doesn't  
21 rubber stamp. And then that's a concern, because  
22 they're not necessarily the expert in making what is  
23 a health-related decision, especially when it comes  
24 to our veteran population.

1  
2           So I have some concerns about that. And I'm  
3 wondering about thoughts around... and I'm going to  
4 ramble a little bit... Bear with me around...

5           COMMISSIONER HENDON: I want to make sure I've  
6 got this right, though, Madam Councilmember. Let me  
7 make sure I got this right. Because, in my  
8 (inaudible), I know there's some folks who have come  
9 from the DA's side who can speak to this. Because  
10 your question is: Who is... You know, as soon as we  
11 identify this person is a veteran, who is putting  
12 them in... what is... how do we connect them with  
13 Veterans Services? Regardless of where they are in  
14 the process, as soon as we...

15           COUNCILMEMBER CABÁN: Yeah. (inaudible). "I  
16 want to make a phone call." Yeah.

17           COMMISSIONER HENDON: That's the question.

18           COUNCILMEMBER CABÁN: Because oftentimes,  
19 defenders do make phone calls in arraignment, saying  
20 like, "Hey, I want you to do an intake with this  
21 person. I want to get them help immediately,"  
22 especially if we're able to get them out, right?

23           MS. VITALE: Yeah. So that would basically  
24 again... back to my point with the VJO, who's like a  
25 basically a representative from the regional VA

1 office. And again, we have a really good  
2 relationship with the regional VA offices, as well as  
3 New York State DVS. So again, you know what? If a  
4 DA or a Defense Attorney found themselves in that  
5 position, I would say pick up the phone and call New  
6 York City DVS, and would get you connected you to the  
7 appropriate people, and we definitely can work on  
8 that process.  
9

10 But you know, at the end of the day, definitely  
11 call us and we can put you guys in touch with the  
12 appropriate agencies. But I definitely know in terms  
13 of Veteran Treatment Court programs, VA affairs,  
14 local representatives are the point of contact to  
15 connect the veteran with services. But again,  
16 obviously that process is imperfect. So if you, know  
17 someone found themselves in a position they're  
18 needing city services, call New York City DVS.

19 COUNCILMEMBER CABÁN: That's helpful.

20 DEPUTY COMMISSIONER VALLONE: Councilmember  
21 Cabán, Paul Vallone here. I like the direction where  
22 you're thinking like with the putting the attorney  
23 hat on. It's that first step in how do we... how do  
24 we jump right into that process from... from the  
25 first minute if when a veteran is identified, right?

1  
2 And that's why we start from the beginning of the  
3 hearing that the two most critical parts of this is  
4 identifying the veteran, and then getting them to the  
5 resources that are available. And then it's up to  
6 the District Attorney if that's even going to be  
7 offered, right? And that's where this uniformity  
8 throughout the state and the city is something that  
9 Chair Holden and the other Councilmembers mentioned  
10 through either legislative or through budget for  
11 resources.

12 So that's why this hearing was so appreciated,  
13 and you're going forward with it, because all of that  
14 needs to be done, right? None of that really goes to  
15 VDS, but all of that needs to be done and that that  
16 microscope of... from day one, when a veteran sets  
17 foot on the first... no matter what it is,  
18 misdemeanor, felony, or traffic court, how we  
19 identify and how we get them those resources. So  
20 thank you for bringing up those questions.

21 COUNCILMEMBER CABÁN: No, I appreciate that. And  
22 I... um... I have a few more questions that I want  
23 to squeeze in. But it goes back to another point I  
24 was making is that, like, right now, a lot of power  
25 is held by the district attorney's office as to

1 whether somebody gets access or not. And so the  
2 prosecutor... [bell rings] Can I have a few more  
3 minutes Chair? Thank you, I appreciate it. And so  
4 the process is such that it's after arraignment, and  
5 then again, minimum eight weeks, because what happens  
6 is, is that they have to get all of the prior  
7 military records that's submitted to the DA, then,  
8 you know, then there needs to be a proffer, and the  
9 DA has to think that like that person deserves that  
10 chance, right? They have to perform well in front of  
11 them. And then they get before a judge, and maybe  
12 they do it. And I know that it's different from  
13 borough to borough. But for example, the  
14 qualifications to entry in Manhattan Veterans  
15 Treatment Court over the DA's objection, which would  
16 save us a lot of time and get people treatment  
17 earlier, is someone over 18 years old, proof of some  
18 military service, and that the current offense is...  
19 is diversion eligible, and a couple of other things.

20 But diversion eligible usually means enumerated  
21 offenses that are non-violent. And this is what I  
22 brought up at another hearing around the Mental  
23 Health Courts is that if we accurately identify the  
24 root of a behavior or harm, whether it is nonviolent,  
25

1 or violent, but we know the root, then there... in my  
2 opinion, there really should be nothing that  
3 precludes that person from treatment. And in fact,  
4 if they did something that was violent, then the  
5 return on that investment in treating the root cause  
6 of the harm is even better in the case of a violent  
7 offense, for example. And so like, you know, curious  
8 as to the admin's position on... on really like  
9 pushing for more eligibility for veterans court. And  
10 then there's one more thing if you'll bear with me  
11 that I want to add to this, and it has to do with  
12 Treatment Not Jail... which... I'm curious as to the  
13 administration's position on this, because the  
14 beautiful thing about Treatment Not Jail -- well,  
15 there's a lot of really good things about that state  
16 legislation. Part of it is, is one it allows for...  
17 it puts more power in the judge's hands and allows  
18 for pre-plea diversion. But on top of that, and this  
19 is a problem in the courthouses, is that you get...  
20 there's a process by which judges who are really  
21 interested in treatment are appointed to that. And  
22 my understanding of that legislation is that those  
23 judges sitting on those benches have to do continuing  
24 education. They have to, if they're in that part, be  
25

1  
2 up to date on the best medical practices for the  
3 thing that they're doing. And anecdotally, I will  
4 tell you is when I practiced, judges get appointed to  
5 court parts they don't want to be in, and then it  
6 negatively affects clients.

7 For example, in Manhattan Criminal Court Part D,  
8 right? Part D is the domestic violence court. That  
9 is the... that is the core part. None of the judges  
10 want to sit on that bench. They get there. They're  
11 cranky, they're upset, they don't like it, and our  
12 clients suffer. And they don't get the kind of fair  
13 treatment that they deserve. So when we think about  
14 what the process is, and streamlining it and making  
15 it sort of uniform, I hope that we're doing it in a  
16 way that doesn't delay the... the screening, doesn't  
17 put an outsized decision making power to somebody  
18 who's not equipped to make those decisions, and...  
19 and really puts the power in the hands of folks that  
20 are like deeply invested in doing this kind of  
21 treatment work.

22 DEPUTY COMMISSIONER VALLONE: We agree with the  
23 Councilmember. See, that's an easy one. We  
24 definitely agree.

1  
2 COMMISSIONER HENDON: I want to... I want to... I  
3 appreciate this so much, Councilmember, and forgive  
4 me. I don't have the term appropriately. I think  
5 you may... It's DAT. It's what happens when somebody  
6 gets a deferment. So let's say I'm arrested and I'm  
7 not going to do a... what is that?

8 COUNCILMEMBER CABÁN: Well a DAT is a desk  
9 appearance ticket.

10 COMMISSIONER HENDON: Yes. So if I have a desk  
11 appearance... it's a desk appearance ticket, is that  
12 right? You said?

13 COUNCILMEMBER CABÁN: Yeah. DAT is a desk  
14 appearance ticket.

15 COMMISSIONER HENDON: So if I have a desk  
16 appearance ticket, then I'm out. So it's easier for  
17 me to tie in with different veteran services and  
18 everything too. So I just want to point that out, as  
19 far as one piece of this when we talk about what  
20 services is someone...

21 COUNCILMEMBER CABÁN: Can I clarify a piece of  
22 that though?

23 COMMISSIONER HENDON: Yes.

24 COUNCILMEMBER CABÁN: So When you get a desk  
25 appearance ticket, though you are not connecting with

1 a lawyer until your arraignment date, which is  
2 usually weeks off, sometimes months off, depending on  
3 what the court calendar is like.

4  
5 COMMISSIONER HENDON: Okay. I was thinking of  
6 the idea of the veteran services... of that person  
7 receiving veteran services.

8 COUNCILMEMBER CABÁN: I know, but let me let me  
9 finish this thought. And so I think, you know, the  
10 gap in between getting treatment sometimes doesn't  
11 happen, because there's nobody facilitating that  
12 connection. They're just getting a piece of paper  
13 that says this is when your next court date is. And  
14 it's not until that court date that a defender will  
15 get assigned to your case. And then maybe they'll  
16 tell you all of the things that you are eligible for.  
17 Because another thing that I learned in my practice  
18 and still continue to hear from former colleagues is  
19 that unfortunately, when veterans who are criminal-  
20 legal-system involved, it's not until they get  
21 arrested and are part of a court proceeding that they  
22 actually realize all of the benefits that are  
23 available to them, which is again, another part of  
24 the problem.

COMMISSIONER HENDON: Okay, no, thank you so much about that.

MS. VITALE: May I ask you, Councilmember for clarification on your question. And I love the conversation, and you may raise a lot of great points, but I just wanted to be able to answer your questions. I know you were asking the agency about our position on having more eligibility in Veterans Treatment Courts. Was that your question? Part of your question?

COUNCILMEMBER CABÁN: Yeah, I mean, I'm... Particularly the administration's position on the Treatment Not Jails, the state legislation, which I think is a much better model when we... when we look at prioritizing treatment to increase health and health and safety of folks who are accused, and also folks in our community. But... But also, you know, sort of changing the structure and the resulting power dynamics that exist that are really delaying veterans' access, or outright denying veterans' access to the treatment that they deserve. And I sort of outlined kind of how horrifically long and arduous the process is to get an okay from the DA to enter treatment court. And then the only way to kind

1 of override a DA's objection -- and it varies from  
2 courthouse to courthouse, and I laid out Manhattan  
3 Veterans Treatment Courts, kind of criteria -- but  
4 you know, there, there are constraints there too.  
5 And it's only possible in a pre-plea situation. So  
6 it is critical that you have judges that want to do  
7 that.

9 MS. VITALE: Completely agree. Based on all the  
10 research that we've done in preparation for this  
11 hearing and the conversations we had with our  
12 colleagues in government, I basically think the huge  
13 problem here is that there is not a lot of public  
14 reports evaluating the Veterans Treatment Courts  
15 statewide. So unless... That's like a first initial  
16 step, I think, to be able to speak to... You know,  
17 because again, the eligibility requirements and  
18 structures vary from locale to locale.

19 So I think there needs to be a comprehensive  
20 evaluation. And I think the New York State Unified  
21 Court System received grant funding to do such with  
22 the VJA grant that they got. So I think an initial  
23 first step is to do a comprehensive assessment and  
24 evaluate, or even just maybe, on, you know, focus on  
25 the five boroughs here. Maybe we can make a push for

1 that. But I think unless we have an evaluation of  
2 the program, we can't identify the needs, and you  
3 know, basically going back to eligibility and  
4 structure like I think we need to have an overview.  
5

6 COUNCILMEMBER CABÁN: I just want to quickly...  
7 just want to quickly plug that the Treatment Not  
8 Jails legislation also requires exactly that kind of  
9 reporting. So...

10 COMMISSIONER HENDON: And I personally...

11 MS. VITALE: We definitely will take a look at  
12 that thank you.

13 COMMISSIONER HENDON: ...we need... we need to  
14 learn more about it. I just want to say that. We  
15 definitely need to learn more about it. Thank you so  
16 much about that Councilmember Cabán.

17 CHAIRPERSON HOLDEN: Thank you, Councilmember  
18 Cabán. We have a question Councilmember Richardson  
19 Jordan.

20 COUNCILMEMBER RICHARDSON JORDAN: Hi. So I want  
21 to start by saying thank you to the Chairs for... for  
22 putting this together, because it's a really  
23 important topic we don't talk about nearly enough,  
24 and I'm... I'm just you know, glad to be here and  
25 picking up a lot of. I am... I am the daughter, and

1 granddaughter, and niece of veterans. And, and these  
2 men... black men in my family with the lived  
3 experience, have been and were basically unpaid,  
4 unassigned mentors. And... and those kinds of  
5 networks are happening unofficially. But I wanted to  
6 ask some questions about peer mentorship and how we  
7 support those networks happening, and how we figure  
8 out how to put some money and some support behind it.  
9

10 And I also want to highlight that, you know, in  
11 all of our... all of our veterans and all of the...  
12 and all of their experiences matter. But I do want  
13 to highlight that for black veterans, some of the  
14 stats that we see are just truly atrocious in terms  
15 of rates of mental health and homelessness, in  
16 particularly our black male veterans.

17 So I wanted to say that... do you happen to know  
18 the general average salary of peer mentor for those  
19 who do get paid for that work?

20 MS. VITALE: Thank you for that question,  
21 Councilmember Jordan. Actually, the veteran peer  
22 mentors are volunteers. They're not paid.

23 COUNCILMEMBER RICHARDSON JORDAN: So no pay? So  
24 no pay at all.

25 MS. VITALE: They're not paid.

1  
2 COMMISSIONER HENDON: No. That's... that's the  
3 problem that we're facing. That's what we... we  
4 discussed it earlier, that this should be funded.  
5 Peer mentoring should be funded on a permanent basis,  
6 which is something we're going to bring up in the  
7 Council.

8 COUNCILMEMBER RICHARDSON JORDAN: I absolutely  
9 would support that. It should be funded. And I can  
10 I... can I ask: Do you have a sense of the  
11 percentage of black peer mentors?

12 COMMISSIONER HENDON: I can't speak it  
13 personally.

14 DEPUTY COMMISSIONER VALLONE: Yeah, we don't have  
15 those numbers.

16 COMMISSIONER HENDON: I know some of the folks in  
17 the community (inaudible) (crosstalk)

18 DEPUTY COMMISSIONER VALLONE: I'll try to find  
19 them out.

20 COMMISSIONER HENDON: I can't speak to the  
21 breakdown as far as the percentage of black peer  
22 mentors. I can tell you when we had that meeting,  
23 right before the pandemic, the majority of mentors,  
24 they were black... were people of color, as far as  
25 when we had our meeting, that Herb Sweat was at, and

2 I know that Herb will be speaking after us, I can say  
3 that much.

4 COUNCILMEMBER RICHARDSON JORDAN: Do you have any  
5 information on the stats and like increased  
6 success... the success and the impact of... of having  
7 the peer mentors?

8 COMMISSIONER HENDON: We don't have that  
9 information right now.

10 MS. VITALE: I mean, generally speaking, the  
11 research...

12 COUNCILMEMBER RICHARDSON JORDAN: I mean, I know  
13 it is. I know it is.

14 MS. VITALE: yeah, so that is one of the key  
15 components office visit Veteran Treatment Court  
16 programs, and the like secret sauce to the program is  
17 the veteran peer mentor. So you know, just from our  
18 research and understanding and speaking to our  
19 colleagues, the veteran peer mentor is like a  
20 critical part of this program, and the success and  
21 efficacy of the program.

22 But again, the New York State Unified Court  
23 System has yet to release a, you know, public report  
24 evaluating the efficacy of the program statewide. So  
25 we can't speak to, you know, specific data points,

1  
2           COMMISSIONER HENDON: I want to speak to one  
3 thing you mentioned about the peer piece and money.  
4 The New York State Legislature has awarded New York  
5 City \$550,000 to promote veteran peer-to-peer, you  
6 know, health... you know, help-seeking activities  
7 through something called the Joseph P. Dwyer program.  
8 It was recently expanded, and so we're coming into  
9 our first year, you know, really having access to  
10 this funding.

11           DVS is running what's almost like a quasi-grant  
12 process, where we're making sure to get the word out  
13 to our various veteran organizations, stakeholders,  
14 that they may apply to win the funding. So we're  
15 basically a conduit of it. We want to make sure it  
16 gets out to the lowest level possible so that they  
17 can take action in the community, and the intent of  
18 this program, which has been around since 2012. This  
19 is our first year getting it now, as far as... as the  
20 city of New York. The purpose of it is to normalize,  
21 help-seeking behavior amongst our veterans through  
22 peer-to-peer modalities. So you know, that's  
23 something that we do think is a bright light in what  
24 lies ahead in this area, Madam Councilmember.

2 COUNCILMEMBER RICHARDSON JORDAN: Yeah. Thank  
3 you. Thank you. I appreciate it./

4 COMMISSIONER HENDON: Thank you your parents... ,  
5 thank you to your parents for their service as far as  
6 your father and your father's father too. Thank you.  
7 Yeah.

8 CHAIRPERSON HOLDEN: Thank you for the question.  
9 Some of these questions might be answered by our next  
10 panelists, which if... You're... You're welcome to  
11 stay right where you are. Because this is going to  
12 be virtual. We have ADA, Aisha Greene. Is that  
13 correct? Okay.

14 DA GREENE: Hi, good afternoon. I just want to  
15 make sure that you can hear me. Hi, are you able to  
16 hear me?

17 SEVERAL: Yes.

18 DA GREENE: Good afternoon. My name is Aisha  
19 Greene, and I'm the Bureau Chief of The  
20 Rehabilitation Programs and Restorative Services  
21 Bureau here at the Queens County District Attorney's  
22 office. I'm here today to present testimony on  
23 behalf of Queens County District Attorney Melinda  
24 Katz. First I would like to thank Speaker Adrienne  
25 Adams, Chairpersons Robert Holden and Linda Lee, and

2 members of the Committee on Veterans and the  
3 Committee on Mental Health, Disabilities, and  
4 Addiction for holding this joint hearing on this  
5 important topic.

6 I thank you for the opportunity to appear  
7 virtually before you today to provide testimony in  
8 reference to the Veterans Treatment Courts as it  
9 relates to the work of the Queens County District  
10 Attorney's office.

11 District Attorney Melinda Katz has served in  
12 elected office for more than two decades, having  
13 spent time at the New York State Assembly, in New  
14 York City Council, as Queens Borough President, and  
15 today as Queens County district attorney,  
16 representing a borough that is home to the largest  
17 population of veterans in the city of New York.

18 Throughout her career and public service, the  
19 district attorney has always remained dedicated to  
20 fighting for veterans of the borough, identifying  
21 their needs, and assessing how government can address  
22 their issues.

23 The sacrifices that our veterans make and their  
24 families make deserve the highest form of recognition  
25 and respect. Therefore, we need to find ways to

1 support them and make sure that they are treated with  
2 respect as we recognize that we would not have the  
3 freedoms that we enjoy today if it were not for the  
4 brave men and women helping to keep us safe every  
5 single day. Thus in her capacity as Queens District  
6 Attorney, District Attorney Katz is committed to  
7 making sure that our system does not fail our  
8 veterans as we address the unique issues that they  
9 face in navigating the criminal justice system, while  
10 also balancing the needs of victims, witnesses, and  
11 survivors seeking accountability and justice.  
12

13 The Queens Veterans Court and Queens Misdemeanor  
14 Veterans Court both provide treatment opportunities  
15 to people that are serving and have served our  
16 country in the armed forces. Substance misuse and  
17 mental health disorders may stem from service in  
18 combat zones, and can be exacerbated as veterans  
19 return to civilian life. Oftentimes, people that  
20 have served within our borders also have resource  
21 needs that are discovered after an arrest has been  
22 made. Both the Felony and Misdemeanor Veterans  
23 Courts offer a solution by connecting veterans to  
24 appropriate services with mandated court supervision.  
25 Victims, witnesses and survivors provide input into

1 whether the treatment court is an appropriate  
2 outcome. During District Attorney Katz's  
3 administration, and during the pandemic, more than 19  
4 veterans graduated from the felony court, and 12 more  
5 people were admitted into the program. Additionally,  
6 more than 20 people successfully graduated from the  
7 misdemeanor program, and we currently have about 30  
8 pending cases.

10 The treatment court works hand in hand with the  
11 Office of Court Administration, the Veterans  
12 Administration, the Defense Bar, treatment providers,  
13 and our office to achieve the goal of helping  
14 veterans and active duty military with much-needed  
15 services such as psychological counseling, supportive  
16 services, and substance and alcohol treatment while  
17 adjudicating their cases. The Veterans Treatment  
18 Court have the capacity to handle serious and violent  
19 felonies and misdemeanors when appropriate. Cases  
20 can include attempted murder, serious assaults,  
21 criminal contempt, and theft, among others. Our  
22 Veterans Treatment Court is currently presided over  
23 by Justice Marsha Hirsch, Judges Scott Dunn and Judge  
24 Jeffrey Gershuny. Judges Dunn and Gershuny are also  
25 both veterans. Judge Dunn served in the Air Force,

1 reaching the rank of captain. He served in Iraq  
2 during Operation Desert Storm and Judge Gershuny  
3 served in the US Army for 21 years reaching the rank  
4 of Major.  
5

6 Connecting people to treatment close in time to a  
7 crisis or traumatic circumstance is a best practice  
8 when considering treatment outcomes. Identifying  
9 veterans soon after arrest is an important first step  
10 in determining whether participation in the Veterans  
11 Treatment Court is an appropriate adjudication.

12 Currently, our office has a collaborative  
13 relationship with the Criminal Justice Agency, a  
14 nonprofit pretrial services organization that  
15 conducts interviews of arrested persons. CJA  
16 provides information regarding veterans and their  
17 status, and more recently, with criminal legal  
18 reform, District Attorney Katz worked diligently with  
19 the New York City Police Department to update their  
20 interview process to include inquiring about military  
21 service. We thank Police Commissioner Keechant  
22 Sewell for her collaboration as early identification  
23 and intervention is critical to success of all of  
24 these programs. I'm glad that we have dedicated  
25 partners at CJA and the NYPD.

2 I also believe that additional support is needed  
3 to connect the Defense Bar to CJA to share additional  
4 information. Moreover, veteran mentors are an  
5 integral part of the court, as they draw on their  
6 military experience when engaging participants from  
7 their unique standpoint. Consistent mentor support  
8 undergirds community-based resources, and our courts  
9 have had great success with this aspect of the court.  
10 However, more support for veteran mentors is needed.  
11 Unfortunately, maintaining relationships with mentors  
12 has proven difficult, and there is a need for  
13 financial support to address the mentor shortage.

14 Lastly, support for community based mental health  
15 is important for defendant participants. Until the  
16 stigma of mental health is overcome, veterans may  
17 need to access local community based services, and  
18 generalized support for these services is necessary.

19 In closing I once again, thank you for the  
20 opportunity to testify. I look forward to working  
21 with you and your staff on this very important issue.  
22 I will gladly answer questions.

23 CHAIRPERSON HOLDEN: Thank you ADA Greene. And  
24 by the way we agree with the mentoring program. We'd  
25 like to see it funded. Right now, how many

1  
2 volunteers are in the mentoring program? Do you have  
3 a regular pool of volunteers?

4 DA GREENE: So that is a great question.  
5 Currently, we have one volunteer that is working with  
6 our felony court part. We did have a second  
7 volunteer. But unfortunately, they had some health  
8 concerns that they had to attend to. And so we  
9 currently have one, and at times, we have to reach  
10 out to other boroughs to see if they can assist us  
11 when we have cases that... or folks that need  
12 mentors.

13 CHAIRPERSON HOLDEN: So we... I'd like to meet  
14 with your office at one point, so we can try to  
15 construct something... a program a mentoring program  
16 of different age groups, also, because you want to  
17 have some a mentor probably closer to your age,  
18 again... and other... other issues, you know, branch  
19 of service, obviously, is very, very important. And  
20 so I know, DA Katz... I had discussion with... with  
21 her recently about this, and she had a number of  
22 recommendations. Any other recommendations you could  
23 add to the... other than you said in your testimony  
24 that we might look at?

1  
2 DA GREENE: So to your point, Councilmember  
3 Holden, we do meet those mentors, and those that have  
4 varied military experience. We have received that  
5 feedback, and so we're definitely in line with  
6 respect to that.

7 I do want to say that we've talked about  
8 identification of veterans and I want to really thank  
9 District Attorney Katz for her vision in working with  
10 NYPD. Now that we have more folks that receive a  
11 desk appearance ticket, it's really important that...  
12 in working with NYPD that there's an opportunity for  
13 them to ask about military service, so that we can  
14 get that information as soon as possible. That  
15 information is passed along to the Defense Bar and to  
16 the court currently through our relationship with the  
17 CJA. And so when we're able to identify folks, we  
18 can definitely reach out to them to see if it's an  
19 appropriate opportunity for them to participate in  
20 the Veterans Treatment Court.

21 I do want to say that once we learn that folks  
22 are veterans, they do have the opportunity to connect  
23 with the coordinator, and they are able to start to  
24 engage in services right away. There... There may  
25 be a question down the line as to whether or not

1  
2 their connection to services will be credited toward  
3 their criminal legal case, and whether or not they  
4 can dispose of their criminal legal case with that  
5 participation in programming. But I do want to be  
6 very clear that there's nothing that stops that  
7 person from connecting as soon as possible, and then  
8 speaking to us thereafter, as to whether or not it's  
9 an appropriate case for the Veterans Treatment Court.

10 CHAIRPERSON HOLDEN: So maybe... We asked this  
11 question earlier, and we couldn't obviously get an  
12 answer. But do the judges overseeing the Veterans  
13 Treatment Courts have specialized training and  
14 backgrounds related to veterans?

15 DA GREENE: So that answer is yes to the  
16 training. So any judge that participates in a  
17 specialized court part does receive training with  
18 respect to different types of assessments and  
19 different treatment modalities. And there are times  
20 where different judges do have experiential  
21 experience when you're thinking about the court that  
22 they're presiding over. So as I mentioned, in the...  
23 in my initial statement, both Judges Dunn and Judge  
24 Gurshney both have military experience. I have had an  
25 opportunity to work in multiple boroughs in the city,

1  
2 and so I can tell you when working in Brooklyn, that  
3 the judge who oversaw one of the treatment courts  
4 also had military experience. And I can tell you  
5 that I've worked with folks within the DA's office  
6 who have had military experience, who are responsible  
7 for staffing the Veterans Treatment Court parts. So  
8 there's myriad experience, and it's dependent upon  
9 the staffing, and who is responsible for that  
10 particular court part?

11 CHAIRPERSON HOLDEN: Do... Is the cost to  
12 operate a VTC Court higher or lower than the problem-  
13 solving courts?

14 DA GREENE: So that's a great question. And  
15 that's something that I would have to get back to you  
16 about, because I can tell you from the District  
17 Attorney's standpoint, that Queens District Attorney  
18 Melinda Katz, she will repurpose her staff to make  
19 sure that we have enough staff to manage the cases  
20 that we have. And so we have an assistant district  
21 attorney who's a Senior Assistant District Attorney  
22 who staffs the part, and if we need case management  
23 or... or anything that we need. That's... That's  
24 borne by her budget, but I cannot speak to other

25

1  
2 partners with respect to the cost that they bear for  
3 having their staff in these parts.

4 CHAIRPERSON HOLDEN: I'll ask one more question  
5 and I'll turn it over to my co-Chair. Do veterans  
6 fall through the cracks? I know that probably  
7 happens in a very large system. And especially with  
8 the workload of ADAs. Does that happen where someone  
9 would be in jail and they could have gotten, you  
10 know, the Veterans Treatment Court, and probably  
11 gotten the treatment much faster? Does that happen  
12 quite often? Or does it happen more than it should?

13 DA GREENE: So again, that's a great question.  
14 And I think that's where we talk about  
15 identification. I'm really happy that we have a  
16 collaborative team here in Queens County. And so you  
17 know, we get the information from the Criminal  
18 Justice Agency. Again, it goes to whether or not the  
19 person who has been arrested answers that they are a  
20 veteran or they're active duty. And so it is a self-  
21 report. When we get that information, that  
22 information is disseminated to all of our parties.  
23 So the court gets it, Defense Bar, our veterans  
24 coordinator, the District Attorney's Office, and we  
25 look into those cases proactively to see if it

1 makes... if we are going to make a treatment offer  
2 with respect to that case.  
3

4 But again, the veterans coordinator is aware that  
5 this person has self-identified. And so we have  
6 looked for every avenue where we can provide  
7 opportunities for folks to self-identify. Also, I  
8 know that the defense bar here in Queens County, they  
9 are excellent. They work with their clients to ask  
10 them if they have services. We've also revamped our  
11 Crime Victims Advocates program here, which is under  
12 my purview at the Queens County District Attorney's  
13 office, where when we speak to our victims,  
14 witnesses, and survivors, we ask them, especially if  
15 the parties are known to one another in the criminal  
16 cases, whether or not the person who has been  
17 arrested is a veteran. And we also asked if they  
18 themselves are a veteran. And so we've done some gap  
19 analysis to see if there are resources that we are  
20 not aware of for our victims. But it's another way  
21 for us to discern whether someone else is a victim.

22 We also have a really good relationship with our  
23 domestic violence bureau, because sometimes there's  
24 overlap. We have many different specialized courts.  
25 And so someone might be in a domestic violence part

1 where we are making an offer of treatment, we find  
2 out that the person is a veteran, and that they would  
3 better be served... they would be better served in  
4 the Veterans Treatment Court part, and so that case  
5 will, instead of being heard in the DV part, will be  
6 heard in the veterans part. So that they have the  
7 different structure. That has proven to be really  
8 impactful when it comes to the veterans mentors.  
9

10 CHAIRPERSON HOLDEN: Thank you so much. I'll  
11 kick it over to Chair Lee.

12 CHAIRPERSON LEE: Actually, you answered a lot of  
13 my questions in that... that through Chair Holden,  
14 and so I'm going to yield my time and pass it along  
15 to my colleagues if they have any questions.

16 Councilmember Cabán. Oh... I don't know if I'm  
17 supposed to call on... can I call on...

18 Councilmember Cabán?

19 COUNCILMEMBER CABÁN: Thank you. And I'm going  
20 to apologize up front, because for the beginning of  
21 your testimony, I was taking a bio break, so I don't  
22 know if you covered this. But again, I know that it  
23 varies from borough to borough. The treatment court  
24 in Queens, is it just a misdemeanor part? So only  
25

1 misdemeanor eligibility or... or felony eligibility  
2 as well?  
3

4 DA GREENE: That's a great question. So we have  
5 a Felony Veterans Treatment Court and we also have a  
6 Misdemeanor Veterans Treatment Court. So we have  
7 both.

8 COUNCILMEMBER CABÁN: And for... for the... the  
9 veterans, the Felony Treatment Court part, in terms  
10 of criteria eligibility where you will consent to a  
11 client being sent to that part, are there.... are  
12 enumerated offenses that are that you all don't  
13 consider, like, namely violent offenses?

14 DA GREENE: So we consider cases on a case-by-  
15 case basis, but we do consider and have folks in the  
16 Veterans Treatment Court that have violent cases.  
17 When we're thinking about the analysis, on the front  
18 end is whether or not we're going to consent to the  
19 case being put into a part. Again, we're going to  
20 ask for the victim input. And also too, there are  
21 assessments that are happening. So I know earlier,  
22 during the testimony, you mentioned a window of time.  
23 Because we are at the intersection of the criminal  
24 legal system and... and medical support. And so we  
25 need to know what's happening for that particular

1 person because when they do participate in the  
2 Veterans Treatment Court, it is going to be right-  
3 sized to the need that they have. And we also want  
4 to make sure that there are community-based  
5 organizations that can support their needs. So I  
6 will say that there are times -- and which is why, in  
7 the initial statement that I made -- District  
8 Attorney Melinda Katz is asking for continued support  
9 of community-based resources, because there have been  
10 times where we have assessed veterans... we've  
11 approved the case for... for treatment, but we're  
12 unable to find that treatment in the community.

14 COUNCILMEMBER CABÁN: So I mean, in essence then,  
15 would the Queens District Attorney's office be, you  
16 know, part of... of the chorus of advocates and  
17 organizations asking for more funding for treatment  
18 infrastructure in our communities, to be able to  
19 divert more often?

20 DA GREENE: So yes, and so I think that support  
21 for generalized services, whether it's for folks who  
22 have substance use disorders, mental health  
23 disorders. We also need to see additional support  
24 for folks who have traumatic brain injury. Or for  
25 folks who potentially have personality disorders and

2 things like that, we find that things like DBT is not  
3 as readily available to folks. And so we do want to  
4 make sure that when folks come to us, and we are...  
5 when we are meeting them where they are, and they  
6 have these different medical needs, that we're able  
7 to provide the services in the community. We never  
8 want to set anyone up for failure. So we're not  
9 going to have someone take a plea to a treatment  
10 program where we cannot provide the treatment in the  
11 community.

12 COUNCILMEMBER CABÁN: I have two more questions.  
13 But one comment before that is that if that's the  
14 case, then I really, really look forward to the  
15 District Attorney's Offices coming to the budget  
16 hearings, advocating not just for more money for  
17 their offices, but more money for organizations in  
18 the community that can divert people from people  
19 reaching you all's offices in the first place.

20 So another question I have is, in terms of the  
21 practice that happens in Queens, and just a very  
22 short answer, please, just so I can get to my last  
23 question is: Do you require pleas before entry into  
24 these parts, or do you all consent to pre-plea  
25 diversion.

1  
2           DA GREENE: So we have a hybrid system. In  
3 certain cases, we will consent to pre-plea  
4 participation. And then in other instances, there is  
5 post plea. But again, folks can definitely get  
6 connected to services prior to adjudicating their  
7 legal case. So they do have access to the veterans  
8 coordinator shortly after arrest.

9           COUNCILMEMBER CABÁN: And so a follow up to that  
10 is why do some people get access pre-plea versus...  
11 versus some people have to plead guilty first, before  
12 getting access to the treatment court? Like, how is  
13 that determination made?

14           And then the last piece that I want to touch, is  
15 that during your testimony you talked about while the  
16 process is going on that you... I think the words you  
17 used was like that... that you reach out, that the  
18 DA's office reaches out so that they're... people are  
19 able to get treatment, before a case is disposed of,  
20 or there's some sort of disposition to the case. And  
21 I'm wondering how you're... the DA's office does that  
22 when post arrest, you're legally prevented from  
23 talking to the person being prosecuted. So I just  
24 wanted some clarity on that piece. But the... but  
25 the second... the first question, I'm also very

1 interested in in terms of like, how do you decide who  
2 gets access to treatment pre-plea? And how do you  
3 decide who gets access... access treatment post plea?  
4 Because really, the latter, it has, you know,  
5 overwhelmingly been, like, you know, pretty coercive.  
6 I mean, it... it the helps... it helps the plea  
7 machine.  
8

9 DA GREENE: So I do want to be clear with respect  
10 to language. The district attorney's office does not  
11 deny access to treatment. So if someone wants to  
12 engage in treatment, they can definitely engage in  
13 treatment. They have access to the coordinator, and  
14 they can see through their treatment needs. We do  
15 have veteran...

16 COUNCILMEMBER CABÁN: Unless bail is set and they  
17 can't afford bail, and then can't access treatment,  
18 because they're not in their communities.

19 DA GREENE: I'm sorry, I... I couldn't cut out a  
20 little. I didn't get the first part of your...

21 COUNCILMEMBER CABÁN: Unless your office asks for  
22 bail that the person cannot afford, and then because  
23 of being incarcerated cannot access services in their  
24 community.  
25

1  
2           DA GREENE: So are we... So the majority of the  
3 folks that we are talking about -- and I can narrow  
4 the question -- are people who are already in the  
5 community. And so, folks... We have some cases that  
6 are jail cases, where folks are being assessed while  
7 they're in services. Those are cases that we  
8 definitely look at. We want to make sure that we are  
9 looking at them very early on.

10           And again, before the person is to enter into a  
11 treatment fee, there also has to be a treatment plan.  
12 And so they do have to be assessed so we can  
13 determine what type of treatment they need. Again,  
14 once we do that and we know that folks have access  
15 to... or there will be access to a treatment program,  
16 we can we can move forward with that case. But I  
17 will say that a good number of the cases that we  
18 serve are folks that are already in the community.

19           COUNCILMEMBER CABÁN: Okay, so I mean, just to  
20 summarize, fair to say that technically there is  
21 eligibility for these courts whether a felony or  
22 misdemeanor, but it sounds like the people who do  
23 engage with the court ended up being out, right?, or  
24 not incarcerated, pretrial, which can tell you  
25 something about, you know, what the what the top

2 charges are, for example, and what the nature of the  
3 accused offense is. And another clarification is not  
4 necessarily that you reach out throughout the  
5 process, but you do not actively hinder access to  
6 treatment except... except necessarily If the person  
7 is... is incarcerated, then obviously there are  
8 barriers to being access... to access certain  
9 services, and it's just a fair....

10 DA GREENE: So yes. And... and I do want to  
11 clarify, um... because you made a great point. When  
12 we get the information from CJA with respect to those  
13 that have self-identified as veterans, we're passing  
14 that information along to the Defense Bar. And so we  
15 are not having conversations with the rest of  
16 persons. I do want to go on record and be clear  
17 about that. But we are reaching out to our  
18 stakeholders so that everyone in their particular  
19 roles can reach out to determine whether or not this  
20 is the case that we're going to come back and  
21 collaborate around with respect to whether the person  
22 is going to be in the program.

23 COUNCILMEMBER CABÁN: Thank you.

24 CHAIRPERSON HOLDEN: Thank you so much for the  
25 questions. Um... We've been joined by Councilmember

1 Williams. Anybody else have questions?

2 Councilmember Richardson Jordan?

3  
4 COUNCILMEMBER RICHARDSON JORDAN: I did just want  
5 to ask: I don't know if you have the stats. But for  
6 the program, do you have a sense of how many veterans  
7 come through that are homeless or need support for  
8 housing?

9 DA GREENE: So those are particular stats that I  
10 do not have. And that's something to that I'm happy  
11 to think about the work that we would need to have  
12 that information, because some folks will indicate to  
13 a district attorney's office whether or not they have  
14 housing. And there may be reasons why they may give  
15 an old address or what have you. And so I don't have  
16 that information, but happy to work with the  
17 Committee to think through ways that we can get that  
18 information.

19 CHAIRPERSON HOLDEN: Okay, just one other  
20 question. I'm not sure your office could... could  
21 answer this. But how do we measure whether or not  
22 the courts are succeeding? Meaning like, have the  
23 Veterans Treatment Courts ever invited any nonprofits  
24 or government entities to study the effectiveness of

25

1 the courts? You know, sort of any independent  
2 oversight that you're aware of?  
3

4 DA GREENE: So that's a great question. And I'm  
5 not able to answer that question. I do know, with  
6 the drug treatment courts that OCA had put out  
7 reports with respect to its impact, but I cannot tell  
8 you whether or not an impact evaluation is tied to  
9 all of the Veterans Treatment Courts.

10 So unfortunately, I'm not able to provide an  
11 answer in that way.

12 CHAIRPERSON HOLDEN: Well, thank you so much for  
13 your testimony, and it's much appreciated. Anybody?  
14 No other questions? Okay. Thank you. Thanks so  
15 much.

16 DA GREENE: Thank you again.

17 CHAIRPERSON HOLDEN: Do you have any other  
18 comments, Commissioner?

19 COMMISSIONER HENDON: No comments at this time.  
20 We really appreciate the partnership with the DA's  
21 office.

22 CHAIRPERSON HOLDEN: Great. Great. Thank you.  
23 Thanks so much.

24 MS. VITALE: Thank you.

2 COUNSEL: We will now be turning to members of  
3 the public to testify in panels. Once your name is  
4 called, a member of our staff will unmute you and you  
5 may begin your testimony, once the Sergeant at Arms  
6 sets the clock and gives you the cue. All testimony  
7 will be limited to five minutes. Remember that  
8 there's a few-second delay when you're unmuted before  
9 we can hear you. The first panelists will be virtual  
10 and it will be Adam Cole from Brooklyn Defender  
11 Services.

12 SERGEANT AT ARMS: Time starts now.

13 MR. COLE: Hi, can everyone hear me?

14 SEVERAL: Yes.

15 CHAIRPERSON HOLDEN: Do you hear us?

16 MR. COLE: Yes, I do. I was just waiting to  
17 hear...

18 SERGEANT AT ARMS: Time starts now.

19 MR. COLE: Thank you. Hi, my name is Adam Cole  
20 and I'm a senior trial attorney in the Veterans Unit  
21 at Brooklyn Defender Services. I'd like to say thank  
22 you to Chair Lee and Chair Holden for inviting us to  
23 testify today about Veterans Treatment Courts.  
24 Brooklyn Defender Services or BDS, represents  
25 approximately 21,000 people each year who are accused

2 of a crime facing the removal of their children or  
3 deportation. Our Veterans Unit was developed to  
4 serve a disproportionate number of Brooklyn veterans  
5 with criminal legal system involvement. We practice  
6 in the Brooklyn felony and misdemeanor Veterans  
7 Treatment Court parts. Our team also advises staff  
8 across the criminal practice on cases that involve  
9 people with military history.

10 Veterans are disproportionately represented in  
11 the criminal legal system and are arrested at a  
12 higher rate than those without military experience.  
13 involvement with the criminal legal system is often a  
14 result of trauma and injuries occurred during  
15 their... their time of service. Many of the veterans  
16 we serve live with... with PTSD otherwise known as  
17 posttraumatic stress disorder, traumatic brain  
18 injuries, aka TBI, or substance use disorders as a  
19 result of their military career.

20 In the Veterans Treatment Court, we work to avoid  
21 incarceration and to enable those we represent to  
22 remain in their community with their families and  
23 their support systems and to connect them to  
24 treatment and in order to receive the best case  
25 outcomes in court.

1  
2       It is our strong belief that special  
3 consideration of veterans experiences must be  
4 integrated into any court proceeding in order to  
5 offer tailored solutions to meet the unique needs of  
6 this population and minimize the chances that  
7 veterans will be incarcerated. In our written  
8 testimony, we offer a number of suggestions to  
9 strengthen the the city's Veterans Treatment Courts,  
10 but in my limited time, I want to address challenges  
11 Veterans face in accessing treatment court.

12       Brooklyn Veterans Treatment Court is part of the  
13 Drug Treatment Court. The misdemeanor Brooklyn  
14 Veterans Treatment Court is available to a wide  
15 breadth of people with military experience. However,  
16 for veterans who are charged with felonies, specific  
17 parameters, including military history, a nexus  
18 between the alleged offense and veteran status, and a  
19 substance use issue are required to qualify for the  
20 treatment court. Veterans with PTSD may be eligible  
21 for the Mental Health Court part. But the judges in  
22 the mental health court part do not specialize in the  
23 mental health needs of veterans. Participants do not  
24 receive the benefits of engaging in programming with  
25 their peers, and if they are not already connected to

1 the VA, may not be referred to programs with an  
2 understanding of military experience.  
3

4 Veterans with traumatic brain injuries may not be  
5 eligible for Veterans Court or Mental Health Court at  
6 all, leaving them with few options for counseling  
7 services, and alternatives to incarceration. We  
8 believe that any veteran should be able to  
9 participate in a Veterans Court regardless of the  
10 charges they face or their mental health or substance  
11 use history. New York City should follow the example  
12 of other Veterans Courts in the state and expand  
13 these courts to include all people with military  
14 experience.

15 Finally, VTC will not be successful without a buy  
16 in from the DAs who must consent for a veteran to  
17 access VTC.

18 Thank you for your time, and I welcome any  
19 questions.

20 CHAIRPERSON HOLDEN: So thank you for your  
21 testimony. Tell us what you feel... I don't know if  
22 you heard the testimony before or the some of the  
23 comments on mentorships. Do you have any of that in  
24 your experience in the courts?  
25

1  
2 MR. COLE: I know that we have that in our  
3 Misdemeanor Treatment Court for veterans, and then in  
4 our in our Felony Treatment Court, there is a case  
5 manager, but I don't believe we have a peer-to-peer  
6 mentor. So it does exist. And, you know, I... I  
7 know that they are there to provide additional  
8 counseling and resources for our clients in the... in  
9 the misdemeanor veteran's treatment part.

10 CHAIRPERSON HOLDEN: So you feel that in the  
11 felony area there's not enough treatment? Is that  
12 what you... am I correct?

13 MR. COLE: It's our position that the... the  
14 parameters or the qualifications, um... they're too  
15 restrictive. And as a result, we don't reach  
16 enough... enough veterans. As I think a lot of  
17 speakers today have... have noted there are a lot of  
18 justice-involved veterans. I believe that  
19 Commissioner Hendon mentioned about it's about how  
20 many... how many people we can touch. So we need to  
21 widen the net and bring more people in for treatment.  
22 And the way that the Brooklyn Veterans Treatment  
23 Court is set up, at least for felonies, is  
24 restrictive.

1  
2 CHAIRPERSON HOLDEN: Okay, thank you so much for  
3 your testimony. Any other?

4 Okay. Councilmember Paladino.

5 COUNCILMEMBER PALADINO: Good afternoon. I'm  
6 just wondering... because we keep hearing the same  
7 thing again and again and again. Lack of self-  
8 identification, and the funding that we need for  
9 mentorship, and how important it is to the recovery,  
10 and how we need to treat this a certain way we most  
11 certainly do. Veterans are our prized possessions.

12 I suggest this: That -- Bob, you've been in  
13 advertising -- I think we need to do an ad campaign.  
14 Because this self-identification is... is extremely  
15 necessary. And they don't self-identify in a great  
16 many cases. I think we need to shine a very bright  
17 light on what's going on, especially with our younger  
18 vets. They need not feel ashamed. They need to step  
19 out. And I think it's up to us as a city Council,  
20 that we start to formulate different approaches,  
21 because obviously, the approaches that we've been  
22 using for all these years simply are not working. So  
23 the way we push so many other things, I think, a real  
24 firm ad campaign, or something of that nature is  
25 necessary. Be not afraid. You know, something like

1 that. I'm all about branding. I'm all about  
2 advertising. And I really think that a new approach  
3 needs to be taken to... maybe public... public  
4 service announcements is one way to go as well.  
5 These... These vets need our help. They need it more  
6 than they know they need it. And it's up to us to  
7 get the funding that's necessary. And I think we  
8 should really consider a full-blown ad campaign. And  
9 public service announcements might be another way to  
10 go about it. And that's about it. Thanks.

12 CHAIRPERSON HOLDEN: Thank you, Councilmember.

13 Okay, thank you for your testimony.

14 MR. COLE: Thank you.

15 COUNSEL: Thank you. Our next panel will be an  
16 in person panel, and it will consist of Sam Sloan  
17 from New York County Defender Services, and Herbert  
18 Sweat.

19 CHAIRPERSON HOLDEN: You may begin, yeah.

20 MR. SWEAT: Okay. Thank you, sir. As you just  
21 was introduced to me, yes, that is my name Herbert  
22 Sweat. And I'm a Vietnam veteran from the Tet  
23 Offensive, which was 1967. So I do believe in leave  
24 no veteran behind. That's number one.

25

1  
2 I have been mentoring veterans now for basically  
3 25 years. I'm a Veteran Service Officer, and I'm  
4 also within the court system of the Veterans  
5 Treatment Courts. I started in Brooklyn, and I'm  
6 wound up over here in Manhattan, in Manhattan Supreme  
7 Court. Everything I heard this morning, or excuse me  
8 this afternoon, has been positive on the daylight  
9 side of the veteran. In other words, when they are  
10 in court, these protectors of this veteran is busy at  
11 work.

12 But once the court closes, the veteran is in true  
13 agony. I get calls constantly during the evening,  
14 night, and the next morning about what they should  
15 do. I don't know some of the answers. Why? Because  
16 our court systems are not unified enough to interject  
17 to the mentors, or the coordinators of the mentors  
18 and perspective to what they want us to do, and how  
19 they want us to apply what we do.

20 I've invested hundreds of my dollars that come  
21 out of my disability check to these veterans that I  
22 mentor. Now, what we're trying to understand is that  
23 over my eight years of mentoring in the New York City  
24 Court system for veterans that it's "stay in your  
25 line". The courts have their different... Queens,

1 Bronx... our five boroughs seem to have five  
2 different solutions or methods of handling this  
3 veteran court system. I don't know the understanding  
4 of whether or not they should be unified on this,  
5 where the Chief Justices or whatever need to come  
6 together and put these courts on one term of how to  
7 service this veteran. But let me remind you that no  
8 veteran is alike. They are just like our  
9 fingerprints. Their mental physical capacities of  
10 how they take this help that is trying to be given to  
11 them, and their benefits that they basically only  
12 know a certain percentage of. Is very hard for the  
13 veteran to come to realization with what they should  
14 do, especially if sitting here listening to the  
15 daylight side of the veterans.  
16

17 Arrest is the first fault of it. They need to...  
18 I've stepped into police community meetings and tried  
19 to interject: To whom do we ask? What do you ask a  
20 person when you arrest them? I heard today that  
21 there is a box now. It maybe I think it was Queens I  
22 heard it from. If there is a box in Queens that  
23 asks, "What are you? Are you a veteran? Or what?"  
24 Now, if that's in Queens, why isn't in Brooklyn? Why  
25 isn't in the Bronx? You understand? So... So the

1 unification of the court system in handling us  
2 veterans is... I think needs to be curtailed to that  
3 at least the first point of the veteran being  
4 arrested. They should be able to type in just say or  
5 asked him, let me see your ID card because the  
6 average veteran do have your ID card. So if... from  
7 that point he should be identified as a as a veteran,  
8 and he should be directed.

10 [bell rings] Okay, sir. (background voices)

11 Okay. Okay.

12 So he should be directed in that type of a form  
13 to... to... from the police officer, number one. And  
14 if the police officer don't know what to do with a  
15 veteran, don't even understand that there is a  
16 veterans court going on. I've asked plenty of  
17 officers, "Do you know about Veterans Treatment  
18 Court?" "What?" I go into the Bronx or something,  
19 step into their... when you get to the table to go  
20 through the police officers. "What floor is Veterans  
21 caught on?" They don't know what floor it's on.  
22 They don't know what part it is in. This... This is  
23 a deterrent.

24 I'm a coordinator. Brooklyn taught me how to be  
25 a veteran's mentor. Now the first thing: If... If

2 we cannot have a session like we're having right now  
3 with our court judge, with our DA, and with the  
4 primary mentors, like I was before I became a  
5 coordinator in Manhattan -- now Manhattan doesn't  
6 have that group session -- which helps us as mentors  
7 to relate to that veteran. Yes, we have the... the  
8 understanding that we are here, while we're in day  
9 court.

10 But once that day court ends, we've got to run  
11 out and the veteran looks at us and asks, "Well,  
12 look, can... Mr. Sweat, you have a coffee and for  
13 me." "Do I have coffee for you? Of course I got  
14 coffee here for you." But I can't answer him for...  
15 What about once he gets home and needs to get back to  
16 the court? Who answers him then? And what monies do  
17 I make?

18 Now in one court system, your honor... sir...  
19 Chairperson, one system is the coordinator in certain  
20 courts, and the mentors... no mentor do I know today  
21 that get any type of a stipend to assist in any way.  
22 I assist with the families. That's the... That's the  
23 first thing that we recognize in a veteran since  
24 assisting another veteran is the family situation,  
25 because they are involved just as much as the

2 veteran. And they need the answers also. So I get a  
3 lot of wives... spouses. I get a lot of the  
4 children, and they are calling me and asking me  
5 certain situations that I tried to remedy with my  
6 finance. It could be nothing more simply than  
7 getting that veteran's clothes washed, or cleaned in  
8 the laundry so that we can come to court.

9 CHAIRPERSON HOLDEN: We're going to try to solve  
10 that part of it. We're... we're funding the  
11 mentoring program. We're going to try to do that in  
12 the Council, and certainly with the courts...  
13 coordinated with the courts. And I understand your  
14 situation.

15 But many times a family needs counseling also,  
16 which...

17 MR. SWEAT: Yes.

18 CHAIRPERSON HOLDEN: I can attest to that.

19 MR. SWEAT: Yeah.

20 CHAIRPERSON HOLDEN: Having my dad, you know,  
21 have issues with posttraumatic stress after World War  
22 Two. I lived with that for over 20 years. And I  
23 knew that we needed help, too. We needed as a family  
24 to cope with the situation.

25 MR. SWEAT: Of course.

2 CHAIRPERSON HOLDEN: And so this is a, this is  
3 a... you know... Thank you for that information. By  
4 the way, thank you for your service, thank you for  
5 your.... your volunteer mentoring, which you're an  
6 amazing person to do that, and to do it so long.

7 MR. SWEAT: For so long.

8 CHAIRPERSON HOLDEN: And we hope there's a lot  
9 more of you in the future. Because this is... this,  
10 I think, goes a long way. Certainly with the  
11 veterans I know that their peers are the best  
12 medicine at this point, to help them get through what  
13 they're going through.

14 MR. SWEAT: I heard that, and it's very, very  
15 true. So what... what I've done over the last two  
16 years now has been to galvanize the mentors from the  
17 Bronx, from Brooklyn, from Manhattan, and trying...  
18 We did have one from Queens. You didn't hear me  
19 mention Staten Island. But I'm going to get there.

20 And um, we brought ourselves together in these  
21 two years, and we have an organization now not-for-  
22 profit, called the United Veterans Mentors. And we  
23 were just certified through the State of New York as  
24 a nonprofit organization.

2 I want to thank you for this, and I want you to  
3 understand that, yes, what I heard today is very  
4 true. Because my justices in Manhattan Supreme Court  
5 right here, I sit and listen so carefully. And he  
6 has come from... he's not a veteran, but he's come  
7 from the status point of the Mental Court session  
8 that he ruled over to this Veterans Court situation  
9 we have in the afternoon. And he monitors our court  
10 room beautifully. His name is Juan... Your Honorable  
11 Juan Merchan. I've watched him, listened to how he  
12 speaks to the veteran. He has them at times, write a  
13 letter to him to explain more relentlessly their  
14 problem or what they wish. That became something in  
15 my mind that I took into Brooklyn court.

16 So it's a thing where we need this unity of  
17 courts to assist in the process of getting that  
18 veteran help, and legal a justified means of what his  
19 case calls for. Not just that he's sick. Drugs and  
20 mental problems is one thing. But then the average  
21 veteran I know is sick inside.

22 CHAIRPERSON HOLDEN: Again, this is something...  
23 I'd like to talk to you some more about this. And  
24 if... My chief of staff will give you our card, and  
25 we'll have to... we'll have a discussion, because I

1 think you're a wealth of information and knowledge,  
2 and we certainly need that too if we're going to fix  
3 the system and help our veterans. Thank you so much.

4 MR. SWEAT: Thank you, sir.

5 CHAIRPERSON LEE: If I... if I may also: Thank  
6 you so much, Mr. Sweat, for your testimony. I really  
7 appreciate it. And also thank you for your service.  
8 And I would love to also learn more about the  
9 nonprofit organization, because I think this is  
10 really a great avenue in terms of coalescing, and  
11 getting a lot of the mentors together, making sure  
12 that they have the funds to... You know, I know that  
13 you gave from your own pocket without, you know,  
14 question because that's how you show you know, the  
15 caring that you've been, you know, doing through this  
16 work.

17 But for other folks who we can maybe have joined  
18 this group, you know, and get more mentors, maybe  
19 this is something where we can also help support on  
20 the Council side. So I just wanted to say thank you  
21 for that. And just thank you for all the work that  
22 you've done in the community.

23 MR. SWEAT: I greatly appreciate it. Thank you.

24 CHAIRPERSON LEE: Thank you.  
25

2 MR. SLOANE: So, hello, everyone. My name is Sam  
3 Sloane. I'm a public defender with New York County  
4 Defender Services. I've been there close to 10  
5 years, and I am the Veterans Court specialist, among  
6 other things, and I've worked with Herb for the last  
7 six years or so.

8 I think I might deviate from some of my prepared  
9 remarks to sort of at least first start with like  
10 what this process looks like from the Defense Bar.  
11 So Herb and the other peer mentors are there, you  
12 know, at the start of every court appearance, which  
13 usually meets about once a week. I'm usually only  
14 there for once a month when my cases are there.  
15 But... but they are there every day, you know, before  
16 all the cases are called. I was frankly shocked to  
17 hear that they aren't getting funded, although not  
18 entirely surprised. But needless to say: Please  
19 give them what they need.

20 But when I hear the City Councilmembers talk  
21 about, you know, what statistics reflect their...  
22 their importance. I would just caution that a bit,  
23 it might not always get reflected in stats, but  
24 having a consistent face there, every, you know,  
25 court appearance, someone who's there to talk to

1 them. That stuff really matters, even if the person  
2 ultimately does not succeed or graduate, I think it  
3 does matter down the road. There's definitely an  
4 aspect of this work where somebody might just not  
5 want to let someone like Herb down. You know, and,  
6 you know, and that's really important.  
7

8 But let's say you are... we have a client who is  
9 in veterans court. Typically what happens is the  
10 case is called. There's... there'll be about 20  
11 people, you know, per calendar call. So it's about  
12 20 cases that have to go on from like 2:15 to 5 pm,  
13 or something like that. Veterans, unlike some of our  
14 other clients, maybe, tend to be very punctual. So  
15 everyone's there on time, usually and waiting. And  
16 it's in that sort of space that I think the peer  
17 mentors do a lot of work. When a case is called we  
18 typically go up to the bench. It's... it's usually  
19 prosecution, defense, a member of the VJO, the  
20 Veterans Justice Outreach worker that was mentioned  
21 earlier, and a member from the Treatment Court. And  
22 then we discuss what's going on with the client,  
23 problems, et cetera. That's an example where I  
24 actually would love more input from the peer mentors.  
25 I don't see a reason why they can't come up to the

2 bench and discuss things with the judge. You know,  
3 Herb mentioned Judge Merchan, currently presiding, is  
4 not a veteran, for example. I'm not a veteran. And  
5 I think that type of input would be really helpful  
6 during the case conference stage. You know, someone  
7 that can sort of articulate some of the, you know,  
8 red flags. Some of the problems we have with veteran  
9 clients is they don't exhibit the same sort of red  
10 flags, you know. So they can be up here appearing  
11 fine, and then the plane will crash quite abruptly,  
12 to us, you know, who someone might not have noticed  
13 something.

14 So I think that that could be a simple fix for,  
15 you know, making us more aware of sort of, I'm going  
16 to screw up the analogy... but he said daylight...  
17 you know, "non-daylight problems", I'll call them.

18 Additionally, you know, I've heard a lot about  
19 identifying veterans, and in a weird way, I think  
20 that the Defense Bar is almost in a better position  
21 to identify veterans or clients with military service  
22 than some of the other branches, you know, like  
23 police department, Das. You know, for the police  
24 department, for example, like the person has just  
25 been arrested, on some level, right, you know, and

2 like they might not be in the best, state might not  
3 be willing to cooperate, you know, so that might not  
4 be where we get our best data. DA is the same thing.  
5 And for us, you know, we try to train our new  
6 attorneys classes. That's... that's one of the first  
7 questions we ask: "Do you have any history of  
8 military service?" And we've had to educate  
9 ourselves, and I think it couldn't hurt for us to  
10 kind of learn more from you know, maybe the City  
11 Department of Veterans Services. A question I always  
12 tell attorneys to ask is, "What cards do you have in  
13 your pocket? What do you have? Like let's just  
14 see." And then you'd be shocked to see how many  
15 times they'll pull a VA card out, and you know, and  
16 that's not something they told us before.

17 And I think it's, you know, one of the other  
18 Councilmembers saying, "Are they ashamed?" I don't  
19 think... You know, I don't want to speak for them.  
20 But I don't think they're ashamed of being a veteran.  
21 They're ashamed of being a veteran and being in this  
22 circumstance. So I think that's an important  
23 distinction.

24 And, you know, again, as far as identifying them,  
25 I have not had a DA reach out to me and say, "Mr.

1 Sloane, you have a veteran client. Should we go  
2 to... We should go to Veterans Court." And I'm not  
3 saying that's because they don't necessarily want to  
4 do that. But as far as the identification process,  
5 it's usually us who is screening them and reaching  
6 out to the prosecutors, and, you know, we're usually  
7 advocating for some sort of non-jail disposition or  
8 treatment disposition. And, you know, we're waving  
9 that flag in other words.  
10

11 So I think that, you know, our social work staff  
12 and our, you know, attorneys, you know, we're the  
13 ones that need to sort of drive that bus.

14 The other thing as far as barriers to entry. You  
15 know, they can come in a couple of forms. You can  
16 have a DA who says, we don't think he's... this isn't  
17 treatment eligible. Like we just don't, we're not  
18 doing it, we're not doing the treatment. And  
19 that's... that's when they don't consent, okay?  
20 Another can say, "Oh, I am interested in Treatment  
21 Court." But before we do that, I need to see some  
22 records. And so they force us essentially, to order  
23 the full military file, you know. Typically veterans  
24 can identify themselves with like a... the standard  
25 discharge paperwork as a DD 214, which is usually how

1 we prove military service. But a lot of times we've  
2 had over the years, the DA is want the full military  
3 file... we're talking... and that can take eight  
4 weeks before the pandemic. Post pandemic, we've  
5 heard horror stories of like, they're just not going  
6 to come, you know, or you're going to get partial  
7 files, and then the files are going to make reference  
8 to other ones that you then have to send, oh  
9 because... because they went to a hospital, and this  
10 guy was in California when they were a separate  
11 service. So now we have to reach out again. And  
12 that can take six, eight months. And that's pre-  
13 screening. So the Das... they haven't rejected us,  
14 but they you know, we're still pending. And during  
15 that time, a client can get frustrated. Another  
16 opportunity, you know... They might just say, "You  
17 know, what? I'll just take the jail time," or  
18 something like that. Which is up to them, and we  
19 can't stop them. But yes, if treatment is the goal,  
20 that's... that's a barrier. And so I think that  
21 that's something that we've really run into, you  
22 know, where, again, it's not... it's not a no, but it  
23 has the effect of a no, and that kind of bureaucratic  
24  
25

2 grinding down can really, you know, sort of hinder  
3 our progress.

4 And so that's where some of these things that  
5 have been mentioned earlier of pre-plea screenings,  
6 and getting the ball rolling faster, because when...  
7 You know, we're dealing with veterans, you're going  
8 to be dealing with the VA, you're going to be dealing  
9 with the New York state court system. These are some  
10 of the biggest, you know, bureaucracies we have. And  
11 we, you know, we need to find out a better way to  
12 fast track that. And I don't know, whether through  
13 legislation through treatment on jails or anything  
14 along those lines. But I see...

15 CHAIRPERSON HOLDEN: Yeah, thank you for the  
16 testimony. We learned a lot just from you know, what  
17 you just mentioned about the DAss are not reaching...  
18 Is this Manhattan?

19 MR. SLOANE: I can only speak to Manhattan,.  
20 Correct.

21 CHAIRPERSON HOLDEN: Okay, but this is Manhattan.  
22 You're not getting... you're not, they're not  
23 reaching out to you as the attorney for the veteran.  
24 You have to... When you find out from talking to  
25

1 the... your client, then you contact the DA's office.  
2  
3 Is this how it is working?

4 MR. SLOANE: So yeah. And another distinction I  
5 want to make is: I know the representative from  
6 Queens DA. We do not have misdemeanor veterans court  
7 in Manhattan or anything like that. So when I talk  
8 about Veterans Court, I'm only talking about  
9 felonies.

10 So let's say I have a felony, but the case is not  
11 indicted yet. I say to the DA, "I think this is a  
12 good Treatment Court kind of case here." They say,  
13 "Well, let's wait till the indictment and then we'll  
14 figure it out." So that's... Now we're looking at a  
15 month and a half after the indictment is filed for  
16 the Supreme Court arraignment. I say, "Can we send  
17 it for a screening to veterans court at the Supreme  
18 Court arraignment?" The DA will probably say, "I  
19 need to check with another DA who handles that. We  
20 would like to have all the records before we consent  
21 to screening." Again, that's consenting to the  
22 screening. That's not saying yes or no. And then  
23 again... and that's kind of how... and now the case  
24 has gone for months. Whether they're in or out, it  
25 has a similar, you know, grinding effect. And those

1 are things that if there's any way, you know... that  
2 needs to change, I think to make a long story short.

3 CHAIRPERSON HOLDEN: Thank you for that. Just...  
4 We do have to coordinate. What Herbert mentioned  
5 about unifying the five boroughs in some... in a  
6 system. It sounds like, you know, that needs to be  
7 done yesterday.  
8

9 So we'll work with DVS. We will work with  
10 anyone. Certainly the courts, we have to have some  
11 kind of meeting with and... and try to unify this to  
12 where there's not this long delay. I just can't...  
13 You know, I just can't imagine the hurdles that  
14 you're going through. But certainly the veterans who  
15 are not getting the treatment for an extended period  
16 of time is the problem here. And we can solve that.  
17 We can... We could just fix it by coordinating with  
18 different agencies within the city. And certainly,  
19 I know DVS is a very small agency. Commissioner, I  
20 know you're here. Thank you for staying. But we  
21 probably need to address this on a... on a wider  
22 scale where we can work on procedure so that you  
23 don't have to wait eight weeks or... to get  
24 information from the from the Veterans  
25 Administration.

2 MR. SLOANE: And I do think that the veteran  
3 client base... I mean... should be treated  
4 differently for any number of reasons. But one of  
5 them is: If you have, you know... If they provide X  
6 number of documents, and then you get met with, "Oh,  
7 that's not enough," it has the effect of, like, kind  
8 of demeaning the service or saying that... and that  
9 can be very... then we can shut the person down and  
10 they're not open to anything because they think, you  
11 know, understandably.

12 And so that's the kind of thing where I think  
13 that the benefit of the doubt should sort of go to  
14 them as far as like moving the ball in the screening  
15 process. You know, I actually find that... I mean,  
16 I'm not saying clients rarely lie about service, and  
17 if they do, it's quite easy to spot, and I would  
18 never refer that person, you know. So minimal  
19 hurdles, I think, would giving them the benefit of  
20 doubt at some level.

21 CHAIRPERSON LEE: And I'd be curious to see --  
22 because I know that on the mental health side of  
23 things, that's always a very tricky piece, too -- is  
24 there's a lot of regulations around intake processes  
25 and how to, you know, get folks into services. And

1 so I've been talking even to the State Commissioner  
2 of OMH, as well, on the New York State side about,  
3 yes, we want to make sure that we're following and  
4 honoring certain regulations, but also how do we  
5 streamline the process? And how do we expand? And I  
6 think that's what you heard also earlier is: How do  
7 we expand? Who gets these types of services? And,  
8 of course, the other pieces, you know, how do we get  
9 it covered, right?, in terms of costs?

11 And so... I had a really quick question, though,  
12 in terms of your... just out of curiosity, what does  
13 your caseload look like? And how many attorneys are  
14 working on these types of cases along with you?

15 MR. SLOANE: So I would say we're fairly low,  
16 now. It's gone from like, twelve to seven, or  
17 something along those lines, and those are clients  
18 who are actively in a VTC Court. A lot of what we  
19 do, though, is, because we don't have a misdemeanor  
20 Veterans Court of... Okay, well, how do we... how do  
21 we help this person who maybe it's not necessarily  
22 relevant for the disposition, but we've found someone  
23 in need. And I think that's where I come in here to  
24 learn more about the City Veterans Department.

2 I think the representative said you should  
3 contact the VJO, and I would completely agree with  
4 that. We work actively with our local VJO. Shavon,  
5 Denniker is an amazing person. And that's a great  
6 relationship we've had. I would love to see if  
7 there's something similar on the city side, because  
8 some of the problems with the VJOs is, if they're not  
9 VA eligible... in other words, if there's a bad to  
10 put in layman's terms, not a great discharge status  
11 or an issue or something like that, they might not be  
12 eligible for all the VA services. Having said that,  
13 there are all these great nonprofit services that are  
14 offered through the city, but it can be hard to  
15 navigate, especially our client base. I always say  
16 you can refer them to probably one person. If that  
17 person then refers them to someone else, that's not  
18 going to happen. It's too many. It's too much. And  
19 so that's where someone like Shavon, for lack of a  
20 better term can be sort of a fixer for the VA  
21 bureaucracy. And she's sort of a constant, always  
22 there. So, you know, finding those people is very  
23 important for us, you know.

24 CHAIRPERSON LEE: Okay, and just anyone else? If  
25 you have questions?

2 CHAIRPERSON HOLDEN: Thank you for your  
3 testimony.

4 MR. SLOANE: Thank you.

5 CHAIRPERSON LEE: Wait... I think she... Oh.

6 CHAIRPERSON HOLDEN: Councilmember Cabán has a  
7 question.

8 COUNCILMEMBER CABÁN: Thank you. First of all, I  
9 want to thank you for the work that you do, sir. It  
10 is deeply appreciated, and you should be compensated  
11 for it. And it breaks my heart a little bit and  
12 makes me pretty angry that you are shelling out your  
13 own dollars just to support folks. And I know that  
14 in other places in cities, peer navigators are  
15 actually city employees that get paid with full  
16 benefits. And we should be thinking about that as a  
17 city.

18 You know, I think that the city's job is to  
19 create a workforce that meets our people's needs.  
20 And the current city workforce does not do that. We  
21 don't have, you know, a lot of the positions that we  
22 need to have. We have some folks in in too many  
23 positions and not enough of others. So I hope that  
24 that's something that continues to get pushed and  
25 pursued.

1  
2       There's something that you said Chair that I  
3 wanted to kind of add some commentary on around when  
4 Mr. Sloane said that, you know, a DA never reaches  
5 out to him about what's going on.

6       And... and, you know, that's across the board.

7       It's not the DA is not in the practice of... any DA  
8 is not in the practice of extending mitigating

9 evidence or exculpatory... like you know, things...

10 these are the things that we put in PPIs, right?

11       It's like our good guy package. It's... it's the

12 things that that kind of fill out a person's life and

13 experiences that we want to consider when making

14 these really consequential decisions. That always

15 comes from the defense. It never comes from the DA,

16 because that's just not part of their practice. And

17 quite frankly, because of the function and the role

18 that they play, they're not really in a good position

19 to get that information. It is defense attorneys who

20 are woefully underfunded with very big caseloads who

21 build the kinds of relationships with clients and

22 their families to be able to access that really

23 critical information, and access it at the earliest

24 point.

2 But the other thing and this is not so much a  
3 question, but the other thing I was pointing out is  
4 the amount of time that passes just to get screened  
5 to enter a courtroom, I think is really unacceptable.  
6 And it's gatekeeping that's happening, because  
7 really, there's no reason why once there's even a  
8 self-attestation or simply the documentation says,  
9 "Yes, this person is a veteran," but it's not their  
10 full file, why that person can't pre-plea, be put  
11 into that court, get connected to treatment, while  
12 they're waiting for the full records to come in, to  
13 then make a more informed decision about a case?

14 And so like, you know, I think that there is  
15 something to be said around gatekeeping and slowing  
16 down the process when we really could be turning the  
17 wheels to get people help regardless of what the  
18 disposition of the case might be, and... and  
19 forwarding towards an earlier disposition in a case.

20 But thank you for your... your testimony. And if  
21 there's anything you want to add?

22 MR. SLOANE: No, and it's a shame in a lot of  
23 ways, but... because I don't even know, it can be an  
24 unintentional in many ways, because for example, to  
25 get into Manhattan Veterans Court, they... you're

1  
2 going to need a report from the VJO, and a report  
3 from the Treatment Court provider, which is basically  
4 a similar representative from diversion. We can get  
5 ahead of it and get the VJO to do a report before the  
6 court agrees to screen it, which does get the ball  
7 rolling. However, we cannot do that from... for the  
8 other report. So it... We still would have to wait  
9 for an adjournment, and in that's the kind of thing  
10 that needlessly slows everything down. So it's very  
11 nuts and bolts, practical stuff, but it has huge  
12 impacts on our work.

13 CHAIRPERSON HOLDEN: Councilmember Richardson  
14 Jordan has a question.

15 COUNCILMEMBER RICHARDSON JORDAN: Yeah, I just  
16 wanted to ask really quickly: So with the with the  
17 adjustments in those cases, are you seeing DATs and  
18 clients able to go home? Or what have you seen?

19 MR. SLOANE: Um... I guess so a DAT... I think  
20 what you're... Are you asking are a lot of the...  
21 While this is happening are a lot of them  
22 incarcerated or noted?

23 COUNCILMEMBER RICHARDSON JORDAN: That's what I'm  
24 asking, yeah.

25

1  
2 MR. SLOANE: So it would depend, I think, a lot  
3 at... If you're trying to get somebody in who is  
4 charged with a violent offense -- and when I say  
5 violent, it doesn't always necessarily mean... a  
6 package burglary is a violent offense, right? -- but  
7 sometimes it is violence, you know, that's the  
8 allegation.

9 Those are cases where the individual could very  
10 well be sitting in... throughout the screening  
11 process.

12 COUNCILMEMBER RICHARDSON JORDAN: Throughout the  
13 whole process.

14 MR. SLOANE: Yes. If they are not, not if they  
15 are nonviolent offenses, generally speaking, post  
16 bail reform, January 2020, they will be out and there  
17 are exceptions. But yes.

18 COUNCILMEMBER RICHARDSON JORDAN: But there's  
19 there's no sort of special consideration of... of,  
20 you know, release based on their being in Veterans  
21 Court, or they're attempting to put them in Veterans  
22 Court.

23 MR. SLOANE: What we would like to do... If this  
24 process was streamlined bet... I mean... I will say  
25 better, it would be if we could get them from the

1  
2 upfront criminal court part where all the... every  
3 case goes after indictment it's going to go there.  
4 What I think would be helpful is if we could send it  
5 from there as quickly as possible to the Veterans  
6 Court part for a screening, and all this stuff. That  
7 can take a long time. And if that can take place,  
8 even though the person is incarcerated, once they're  
9 in the Veterans Court part, then they could get  
10 services whereby the defense attorney would be in a  
11 better position to make a renewed bail application,  
12 because they have impatient... you know, X-Y-Z.

13 But when they're languishing in the upfront part,  
14 there hasn't been a huge change in circumstance  
15 whereby we can make a good faith argument of a change  
16 in bail conditions or anything like that, because if  
17 the person was homeless, they're still homeless. If  
18 anything, you know, in a worse position, but if we  
19 can get them in the part... and that again, that  
20 doesn't mean the DA has agreed or disagreed or  
21 anything, but while they're there, they can get set  
22 up with services.

23 COUNCILMEMBER RICHARDSON JORDAN: Okay, thank  
24 you. That makes sense.

25 MR. SLOANE: No problem.

1  
2 CHAIRPERSON HOLDEN: Thank you, everyone. Again,  
3 thank you for your testimony. I do want to... I'll  
4 give you my card, because I do want to talk to you.  
5 The Committee would like to actually get some more  
6 recommendations, because we do have our cut out for  
7 us here, because veterans... and again, I... I know  
8 I've said this many times, but veterans deserve our  
9 attention on this, they should be treated. Their  
10 cases should be streamlined. They should get the  
11 immediate services they need, especially to mental  
12 health services. And they should get some more  
13 consideration, certainly. They shouldn't have to  
14 wait, and you shouldn't have to wait for the  
15 information like I mentioned before.

16 So we will work on that. But your input is going  
17 to be valuable to us, and thanks for taking the time  
18 today.

19 MR. SLOANE: Thank you. Thank you again.

20 CHAIRPERSON HOLDEN: And thank you, everyone.  
21 Thank you to the Queens ADA, Aisha Greene. I know  
22 she's still on. Thank you so much. And we need to  
23 talk also about how we can make the system better...  
24 the treat... the Veterans Treatment Court and thanks  
25 to the administration. Commissioner, thank you for

2 staying again. You always do. We appreciate it  
3 and... and thank you everyone. Again, any  
4 suggestions we can get from the people who couldn't  
5 make it today and are watching this we certainly are  
6 open to it. Thank you so much.

7 [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date 12/23/2022