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**Testimony of the New York City Department of Veterans' Services
By Commissioner James W. Hendon
Before the New York City Council's Committee on Veterans and
the Committee on Mental Health, Disabilities, and Addiction**

**Oversight: Veterans Treatment Courts
Tuesday, December 13, 2022, at 1:00 PM**

Good afternoon, Chair Holden, Chair Lee, and the members of the Committee on Veterans and the Committee on Mental Health, Disabilities, and Addiction. My name is James W. Hendon, and I serve as the Commissioner of the New York City Department of Veterans' Services (NYC DVS). I would like to thank you for your leadership and continued support of our Veterans. I look forward to sharing my perspective on today's oversight topic concerning Veteran Treatment Courts in New York City. I would also like to thank Sky Pena-Davis, Reginal Project Manager at the New York State Unified Court System and the Queens District Attorney Melinda Katz and her staff for their expertise and engagement with respect to Veteran Treatment Courts.

New York State is home to more than 700,000 Veterans, including many who recently completed their military service.¹ According to data reported by the United States Department of Defense, an estimated 200,000 active-duty service members leave the United States armed forces each year. The term "transition" describes a Veteran's movement from service in the United States armed forces to civilian life. Most service members transition successfully without major difficulties, demonstrating extraordinary resilience in the face of wide-ranging risk factors and obstacles.² However, many of our Veterans do experience serious personal challenges reintegrating into civilian life, including mental health conditions, substance use issues, the aftereffects of traumatic brain injury and military sexual trauma, strained personal relationships, homelessness, unemployment, and criminality, among others.³

Overall, research studies show that service-related trauma exposure, combined with increased incidence of mental health and substance use disorders, elevates a Veteran's risk of involvement in the criminal justice system.⁴ According to the Council on Criminal Justice, there were

¹ New York State Health Foundation, [New York's Veterans: An In-Depth Profile](https://nyhealthfoundation.org/wp-content/uploads/2021/10/new-york-veterans-in-depth-profile-oct-2021.pdf), at 5 (October 2021), available at <https://nyhealthfoundation.org/wp-content/uploads/2021/10/new-york-veterans-in-depth-profile-oct-2021.pdf>.

² Veterans Justice Commission, [From Service Through Reentry: A Preliminary Assessment of Veterans in the Criminal Justice System](https://counciloncj.org/veterans-justice-commission/), at 3 (August 2022), available at <https://counciloncj.org/veterans-justice-commission/>.

³ New York State Health Foundation, [Policy Brief: Veterans Treatment Courts in New York State: Progress and a Roadmap for Growth](https://nyhealthfoundation.org/wp-content/uploads/2017/12/veterans-treatment-courts-new-york-state-roadmap-1.pdf), at 3 (Nov. 2017), available at <https://nyhealthfoundation.org/wp-content/uploads/2017/12/veterans-treatment-courts-new-york-state-roadmap-1.pdf>.

⁴ Veterans Justice Commission, [From Service Through Reentry: A Preliminary Assessment of Veterans in the Criminal Justice System](https://counciloncj.org/veterans-justice-commission/), at 3 (August 2022), available at <https://counciloncj.org/veterans-justice-commission/>.



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approximately 181,500 Veterans in American prisons and jails.⁵ In 2021, roughly 4.0% (or 1,416) of the 34,405 individuals under State custody in New York were reported as verified Veterans.⁶

Veteran Treatment Courts (VTCs) provide an alternative to incarceration for justice-involved Veterans.⁷ VTCs are a type of problem-solving court, modeled after drug and mental health courts, which serve Veterans who have committed low-level crimes and have been diagnosed with mental health and/or substance use disorders, typically using a treatment team comprised of a Judge, VA employees, and Veteran Peer Mentors.⁸ Participants in VTCs are offered mental health counseling and are connected to community-based services, as well as local, State, and federal agencies specializing in Veterans' affairs.⁹ Participation in VTCs is voluntary and upon successful completion of the program, which typically takes 14 to 18 months depending on the nature of the criminal charge, Veterans can typically have their record cleared of the relevant criminal convictions, have charges dropped or reduced, avoid incarceration, or receive a reduced term of probation.¹⁰ According to data reported by the Criminal Justice Council, there are more than 600 Veteran Treatment Courts and other Veteran focused courts in operation across the country.¹¹

For more than a decade, New York State (NYS) has been a leader in meeting the needs of justice-involved Veterans. As of November 2022, NYS had 34 VTCs, located in 26 of the 62 counties.¹² In NYS, VTCs are overseen by New York State's Unified Court System (UCS) with the State legislature providing for the allocation of the cost of operating and maintaining the state-wide courts.¹³ The United States Department of Justice (DOJ), through the Bureau of Justice Assistance (BJA), also issues grants to NYS UCS for funding to plan, implement and enhance Veteran Treatment Court services throughout the State. In Fiscal Year 2022, BJA issued NYS UCS a statewide discretionary grant for Veteran Treatment Courts. For FY 2022, the grant award was more than \$1.3 million.¹⁴ According to BJA, the funding would allow NYS UCS to refocus

⁵ Id.

⁶ New York State Corrections and Community Supervision, Under Custody Report: Profile of Under Custody Population as of January 1, 2021, at 13 (April 2022), available at <https://doccs.ny.gov/system/files/documents/2022/04/under-custody-report-for-2021.pdf>.

⁷ New York State Health Foundation, Policy Brief: Veterans Treatment Courts in New York State: Progress and a Roadmap for Growth, at 3-4 (Nov. 2017), available at <https://nyhealthfoundation.org/wp-content/uploads/2017/12/veterans-treatment-courts-new-york-state-roadmap-1.pdf>.

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Veterans Justice Commission, From Service Through Reentry: A Preliminary Assessment of Veterans in the Criminal Justice System, at 13 (August 2022), available at <https://counciloncj.org/veterans-justice-commission/>.

¹² NYS UCS Fiscal Year 2024 Judiciary Budget (Nov. 2022), available at http://ww2.nycourts.gov/sites/default/files/document/files/2022-11/FY2024_FINAL_JudiciaryBudget.pdf; *see also* NYS UCS, Veterans Treatment Court Locations (As of March 2021), available at https://ww2.nycourts.gov/courts/problem_solving/vet/courts.shtml.

¹³ New York State Constitution, Article VI, Section 29(a).

¹⁴ U.S. Dep't of Justice, Bureau of Justice Assistance, Funding and Awards: NY Statewide Veterans Treatment Court Strategic Planning Initiative, available at <https://bja.ojp.gov/funding/awards/15pbja-22-gg-04361-vtcx>.



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efforts on strengthening existing VTCs statewide, expand access, and address critical emerging issues, such as expansion of mentor programs and early identification.¹⁵

Here in New York City, Veteran Treatment Courts have been fully operational in all five boroughs since 2016, with Manhattan and Staten Island being the final additions. After having the chance to talk to staff from the New York State Unified Court System as well as the Queens District Attorney's Office, there seems to be an increased need to strengthen the peer mentoring component of Veteran 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 dedicated to training peer mentors and funding to defray the costs that volunteer mentors incur by participating in the VTC program.¹⁶ Lived experience is important, and support for veteran peer mentors to have a safe space to discharge vicarious trauma due to their professional responsibilities is much needed. Other components of VTCs that are in 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.¹⁷

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 forward to participating in this historic endeavor to strengthen the services of the Veteran Treatment Court programs in the five boroughs. My staff and I are committed to making sure that Veterans that are involved in the criminal justice system are provided an opportunity for rehabilitation, rather than incarceration.

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

¹⁵ Id.

¹⁶ New York State Health Foundation, Policy Brief: Veterans Treatment Courts in New York State: Progress and a Roadmap for Growth, at 13 (Nov. 2017), available at <https://nyhealthfoundation.org/wp-content/uploads/2017/12/veterans-treatment-courts-new-york-state-roadmap-1.pdf>.

¹⁷ Veterans Justice Commission, From Service Through Reentry: A Preliminary Assessment of Veterans in the Criminal Justice System, at 13 (August 2022), available at <https://counciloncj.org/veterans-justice-commission/>.



Testimony of Queens County District Attorney Melinda Katz

Before the Committee on Veterans jointly with the Committee on Mental Health, Disabilities & Addiction

Oversight Hearing on Veterans Treatment Courts

December 13, 2022

Good morning my name is ADA Aisha Greene, Bureau Chief of the Rehabilitation Programs and Restorative Services Bureau at the Queens County District Attorney's Office and I am here today to present testimony on behalf of Queens County District Attorney Melinda Katz. First, I would like to thank Speaker Adrienne Adams, Chairpersons Robert Holden and Linda Lee and the Members of the Committee on Veterans and the Committee on Mental Health, Disabilities & Addiction for holding this joint hearing on this important topic. I thank you for the opportunity to appear virtually before you today to provide testimony in reference to the veterans treatment courts as it relates to the work of the Queens County District Attorney's Office.

District Attorney Katz has served in elected office for over two decades, having spent time in the New York State Assembly, New York City Council, as the Queens Borough President and today as the Queens County District Attorney. Representing a borough that is home to the largest population of veterans in the City of New York. Throughout her career in public service the District Attorney has always remained dedicated to fighting for the Veterans of the Borough, identifying their needs and accessing how government can address their issues.

The sacrifices that our veterans make, and their families make, deserve the highest form of recognition and respect. Therefore, we need to find ways to support them and make sure they are treated with respect, as we recognize that we would not have the freedoms that we enjoy today, if it were not for the brave men and women helping to keep us safe every single day.

Thus, in her capacity as Queens County District Attorney, District Attorney Katz is committed to making sure that our system does not fail our veterans as we address the unique issues that they face in navigating the criminal justice system – while also balancing the needs of victims, witnesses, and survivors seeking accountability and justice.

The Queens Veterans Court (QVC) and Queens Misdemeanor Veterans Court (QMVC) both provide treatment opportunities to people that are serving and have served our country in the armed forces. Substance misuse and mental health problems may stem from service in combat zones and can be

exacerbated as veterans return to civilian life. Oftentimes, people that have served within our borders also have resource needs that are discovered after an arrest has been made. Both the felony and misdemeanor Veterans Courts offer a solution by connecting veterans to appropriate services with mandated court supervision. Victims, witnesses, and survivors provide input into whether the treatment court is an appropriate outcome. During District Attorney Katz's administration, and during the pandemic, more than 19 veterans graduated from the felony court and 12 more people were admitted into the program. Additionally, more than 20 people successfully graduated from the misdemeanor program and we have about 30 pending cases.

The Treatment Court works hand in hand with the Office of Court Administration, Veterans Administration, the defense bar, treatment providers, and our office to achieve the goal of helping veterans and active-duty military with much-needed services such as psychological counseling, supportive services, and drug and alcohol treatment – while adjudicating their cases. The Veterans Treatment Courts have the capacity to handle serious and violent felonies and misdemeanors, when appropriate. Charges can include attempted murder, serious assaults, criminal contempt, and theft.

Our Veteran Treatment Court (VTC) are presided over by Justice Marcia A. Hirsch, Judge Scott Dunn and Judge Jeffery Gershuny. Judges Dunn and Gershuny are also both veterans. Judge Dunn served in the Air Force reaching the rank of Captain. He served in Iraq during Operation Desert Storm. Judge Gershuny served in the US Army for 21 years, reaching the rank of Major.

Connecting people to treatment close in time to a crisis or traumatic circumstance is a best practice when considering treatment outcomes. Identifying veterans soon after arrest is an important first step in determining whether participation in the VTC is an appropriate adjudication. Currently, our Office has a collaborative relationship with the Criminal Justice Agency (CJA), a non-profit pre-trial services organization that conducts interviews of arrested persons. CJA provides information regarding veteran status. Most recently, with criminal legal reform, District Attorney Katz worked diligently with the New York City Police Department to update their interview process to include inquiring about military service. We thank Police Commissioner Keechant Sewell for her collaboration as early identification and intervention is critical to the success of all these programs. I am glad we have dedicated partners at CJA and in the NYPD. I also believe that additional support is needed to connect the defense bar to CJA to share information.

Moreover, veteran mentors are an integral part of the court, as they draw on their military experience when engaging participants from their unique standpoint. Consistent mentor support undergirds community-based resources and our courts have had great success with this aspect of the court. However, more support for veteran mentors is needed. Unfortunately, maintaining relationships with mentors has proved difficult. There is a need for financial support to address the mentor shortage.

Lastly, support for community-based mental health is important for defendant-participants. Until the stigma of mental health disorders is overcome, veterans may need to access local community-based services. Generalized support for these services is necessary.

In closing, I once again thank you for the opportunity to offer testimony. I look forward to working with you and your staff on this important issue. I will gladly answer any questions.

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EDWINA G. RICHARDSON-MENDELSON

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111 Centre Street
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Via Email (testimony@council.nyc.gov)

December 13, 2022

New York City Council
Committee on Veterans and
Mental Health, Disabilities, and Addiction

Re: NYC Veterans' Treatment Courts

Esteemed Council Members:

Thank you for the opportunity to submit this letter in support of Veterans' Treatment Courts on behalf of the New York State Unified Court System. The Division of Policy & Planning is one of the five divisions within the Office for Justice Initiatives which I oversee as Deputy Chief Administrative Judge. This Division, with the support of my colleague, the Hon. Toko Serita, who serves as the Statewide Coordinating Judge for Problem Solving Courts, is responsible for the implementation, planning, training, guidance, and support of over 300 problem-solving courts around the state, including Drug and Opioid Treatment Courts, Domestic Violence Courts, Mental Health Courts, Family Treatment Courts, Human Trafficking Intervention Courts and, of course, Veterans' Treatment Courts.

The New York State Unified Court System currently operates 35 Veterans' Treatment Courts, seven of which are located here in New York City, serving veterans in all five boroughs:

- Bronx County Supreme Court
- New York County Supreme Court
- Kings County Supreme Court
- Kings County Criminal Court
- Queens County Supreme Court
- Queens County Criminal Court
- Richmond County Supreme Court

Each of these courts is led by a judge and is supported by exceptional staff who have been trained to appreciate veterans' unique life experiences, perspectives, and treatment needs. Operationally, they are guided by research and national best practice standards dating back to 2008, when the first Veterans' Treatment Court in the country was established in Buffalo. Our Veterans' Treatment Court teams work closely with staff from the US Department of Veterans Administration, which verifies military service, assists with screenings and assessments, connects veterans with treatment services, and assists veterans with applications for educational and financial benefits. Most importantly, what makes Veterans Treatment Courts so different from our other treatment courts, and so uniquely tailored to the needs of justice-involved veterans, are the peer mentors; women and men with military service who volunteer their time to support and encourage participants throughout the treatment process.

Unfortunately, mostly because of stigma and trauma, many veterans decline to disclose their military status. As a result, it has been difficult for the court system to identify justice-involved veterans, much less screen and assess them for one of our treatment courts. To address this problem, my office has been working with the NYS Bar Association's Committee on Veterans to provide training to legal practitioners, law enforcement, and service providers on how to ask individuals whether they have served in the military, reserves, and/or national guard. By asking a simple question upon police contact, arrest, arraignment, client intake or clinical screening, we have a much better chance of identifying veterans entering the criminal justice system.

Seeking a better solution to this issue, the Unified Court System applied for and received an approximately \$1.3 million grant from the Bureau of Justice Assistance to develop a statewide strategic plan for the future of our Veterans' Treatment Courts. Working in partnership with the Center for Court Innovation, the strategic plan will seek to address gaps in our programs (including the ability to identify veterans), enhance existing services, and develop a roadmap for the long-term sustainability of these courts.

With these initiatives coming into focus, I believe the Unified Court System is situated to connect justice-involved veterans with appropriate services for many years to come. Of course, there is always more we can do, and in this regard, we look forward to working with the New York City Council to develop innovative approaches to serving New York City's veterans.

Again, thank you for the opportunity to submit this letter. Should you have any questions, please email Sky Peña-Davis (skydavis@nycourts.gov) in my office who coordinates our Veterans' Treatment Court initiatives.

Thank you and be well.



Deputy Chief Administrative Judge for
Justice Initiatives
NYS Unified Court System



Statewide Coordinating Judge
for Problem-Solving Courts
NYS Unified Court System

TESTIMONY OF:

Adam Cole, Senior Attorney
Criminal Defense Practice

BROOKLYN DEFENDER SERVICES

**Presented before New York City Council Committees on Veterans and Mental Health,
Disabilities and Addiction**

Oversight Hearing on Veterans Treatment Courts

December 13, 2022

My name is Adam Cole and I am a Senior Attorney in the Criminal Defense Practice at Brooklyn Defender Services (BDS). BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. For over 25 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. Thank you to the Committees on Veterans and Mental Health, Disabilities and Addiction for the opportunity to testify today about Veterans Treatment Courts.

BDS represents approximately 21,000 people each year who are accused of a crime, facing the removal of their children, or deportation. BDS is fortunate to have the support of the City Council to supplement the services we provide as a public defender office in Brooklyn. Through specialized units of the office, we provide extensive wrap-around services that meet the needs of people with legal system involvement, including civil legal advocacy, assistance with educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

Brooklyn ^(BDS) Defenders

BDS' Veterans Unit was developed to serve the disproportionate number of Brooklyn veterans with criminal legal system involvement. An overlooked and often stigmatized population, the disproportionate rate of veterans' involvement with the criminal legal system is largely the result of trauma and injuries incurred during their time in the service. Our team includes specialized attorneys and a dedicated social worker practice in Brooklyn's Veterans Treatment Court parts, maintain relationships with the Department of Veterans Affairs, and work diligently to connect veteran clients with alternatives to incarceration, substance abuse and mental health treatment, as well as education, employment, and housing support in partnership with our Civil Justice team.

Problem Solving Courts

In 2009, as part of the Rockefeller Drug Law Reforms, New York State passed the Judicial Diversion Program legislation. Under Criminal Procedure Law Article 216 (CPL 216), this legislation created a pathway for a small subset of people with substance use disorders to avoid prison and potentially have their charges reduced or dismissed after engaging in a course of treatment. This treatment is monitored by specialized courts in every county in New York. Judicial diversion has successfully enabled thousands of individuals to minimize or avoid a criminal record while receiving the benefit of potentially lifesaving substance use treatment. Judicial diversion has also realized the saving of tax dollars, from both reductions in recidivism and the decreased costs per capita of treatment versus incarceration.

That same year, Brooklyn's Veterans Treatment Court opened and has been expanding its services and incorporating more and more veterans into its eligible pool of participants ever since. The two specialized court parts that work with veterans or people with military experience who have been accused of a crime. The Felony Veterans Treatment Court accepts people charged with a felony who have a substance use disorder and whose alleged offense is connected to their status as a veteran. The Misdemeanor Veterans Treatment Court accepts people with any level of military experience and have been charged with a misdemeanor offense.

Veterans are arrested at a higher rate than the general public¹ and many of the veterans we represent live with a mental illness or substance use disorders as a result of their military career. The most prevalent diagnoses involve post-traumatic stress disorder (PTSD) and traumatic brain injuries (TBI). It is our strong belief that special consideration of veterans' experiences must be integrated into any court proceedings, in order to offer tailored solutions that meet the unique needs of this population and minimize the chances that veterans will be incarcerated.

Veterans Treatment Court

In our experience, Veterans Treatment Court provides critical avenues for healing and recovery to individuals who require evidence-based treatment interventions in the community. Veterans with criminal legal system involvement have unique needs and the specialized focus is extremely helpful in reducing the long-term collateral consequences of a conviction, such as limited employment and educational options, loss of housing, deportation and loss of familial relationships. The targeted intervention of the Veterans Court also increases the likelihood of

¹ Council on Criminal Justice, From Service through Reentry: A Preliminary Assessment of Veterans in the Criminal Justice System, August 2022, Available online at <https://counciloncj.org/vjc-preliminary-assessment/>

successful reintegration of veterans into community life, improves long-term treatment outcomes, and reduces the chances of re-arrest.

Recommendations

1. Expand access to treatment courts for veterans

The Veterans Treatment Court part has been critically important for many of the people we serve, helping them connect to care and have a pathway out of the criminal legal system. While the misdemeanor Brooklyn Veterans Treatment Court is available to a wide breadth of people with military experience, for veterans who are charged with felonies, specific parameters—including military history, a nexus between the alleged offense and veteran status, and a substance use issue—are required to qualify for the treatment court. Veterans with PTSD may be eligible for the mental health court part, but the judges in the mental health court part do not specialize in the mental health needs of veterans. Participants do not receive the benefits of engaging in programming with their peers and, if they are not already connected to the VA, may not be referred to programs with an understanding of military experience. Veterans with Traumatic Brain Injuries may not be eligible for veterans court or mental health court at all, leaving them with few options for counseling, services, and alternatives to incarceration.

We believe any veteran should be able to participate in a Veteran's Court - regardless of the charges they face or their mental health or substance use history. Veterans Treatment Court will not be successful without buy-in from District Attorneys, who must consent for a veteran to access treatment court. New York City should follow the example of other Veterans Courts in the state and expand these courts to include all people with military experience.

2. Increase access to permanent, affordable housing

Safe, permanent, affordable housing is critical for all New Yorkers. Veterans experience homelessness at higher rates than those without military experience² and veterans with criminal legal system involvement face additional barriers to accessing housing. For people who are living with serious mental illness, substance use disorder, or court mandated to receive services, homelessness or housing insecurity creates additional barriers to access treatment. People experiencing homelessness may have difficulties connecting to providers, affording treatment or medication, or accessing transportation to appointments. The Mayor has instructed NYPD to remove people experiencing homelessness from the subway, while simultaneously divesting from the Department of Homeless Services.

In the midst of the COVID-19 pandemic, as the city worked to decarcerate and public defenders fought to get clients out of jail, Mayor's Office of Criminal Justice opened several hotels to

² Joy Moses, 5 Key Facts About Homeless Veterans, *National Alliance to End Homelessness*, November 9, 2020, Available at <https://endhomelessness.org/blog/5-key-facts-about-homeless-veterans/>.

provide emergency transitional housing to people leaving jail. This safe, stable housing addressed an unmet need that began far before the pandemic began. Jail populations have risen to pre-pandemic levels. They are overcrowded and deadly. This setting has proven to be life-changing for many of the people we serve. In lieu of loud, chaotic and often violent congregate shelters, people have private rooms in clean, comfortable buildings where they are treated with dignity and respect. We urge the city and this Council to baseline funding in the city budget for permanent emergency reentry housing. This critical resource must be maintained as a part of a continuum of housing options for New Yorkers. We urge the city to concurrently work to expand access to supportive housing and permanent affordable housing options for all New Yorkers.

3. Pass a resolution in support of the Treatment Not Jail Act (S2881B/A8524A)

Over the past few years, the New York State Legislature has championed and won historic legislative change in the criminal legal system. We call on the City Council to follow their lead and pass a resolution calling on the legislature to pass and the governor to sign the Treatment Not Jail Act (S2881B - Ramos/A8524A - Forrest).

As previously stated, New York's current treatment court model has many restrictions on who is able to participate in a diversion program, based on their changes, diagnoses, or personal history. The Treatment Not Jail Act (TNJ) will substantially expand access to judicial diversion and create tangible steps toward ending the criminalization of mental health and cognitive impairments in New York. TNJ will create parity in the court system for vulnerable populations who need support and opportunity, and promote public safety by opening avenues of appropriate, individualized treatment where currently the default is incarceration. TNJ will:

- Create equitable access to judicial diversion by making the current judicial diversion law inclusive of people with mental health challenges and neurological, intellectual, and other disabilities.
- Allow New Yorkers to access treatment regardless of where they live. Currently, some counties will not allow people to participate in treatment court unless they are a county resident. TNJ will enable people to engage in treatment court within their county of residence, regardless of where the offense with which they are charged took place.
- Provide due process protection by ensuring that judicial diversion participants are not jailed without due process by requiring there be some substantiation of violations of judicial diversion conditions.
- End automatic exclusions based on level of charge. Currently, some people are excluded from participating in judicial diversion because of the section of the Penal Law with which they are charged regardless of their personal circumstances and background. TNJ will expand access to judicial diversion to people accused of any criminal offense. Research shows that diversion programs promote public safety, and that the nature of the

Brooklyn ^(BDS) Defenders

charge does not impact treatment outcomes. TNJ will provide judges with the discretion to give people appearing before them individual consideration.

- Increase likelihood of success by embracing a clinical rather than punitive approach. TNJ will allow individuals to participate in treatment court without requiring them to plead guilty to access treatment. Judges will be trained in the best practices for mental health treatment within the judicial system. These practices will be grounded in providing support for participants and guided by treatment providers' individualized recommendations rather than over relying on punitive sanctions. TNJ will promote collaboration between participants and treatment providers, offering participants the best chance of achieving their treatment goals.

The number of people living with or having experienced mental health issues is at an all-time high, and jails and prisons have become the de facto mental health facilities across New York State. Treatment Not Jail seeks to put an end to this untenable condition and to redirect people out of jails and the criminal legal system and into evidence-based treatment programs that can offer the medical care and support they need.

Conclusion

Brooklyn has some of the best problem solving courts in the state and New York is a leader in the creation and use of drug, mental health, and other treatment courts. Our experience has shown that these courts can provide non-jail alternatives for veterans who are living with substance use disorders or mental health conditions. However, more access is needed for these courts, and the city can help by increasing funding for more programs, more providers, and more beds. These programs must also be flexible, utilize harm reduction models, and increase privacy protections for its participants. Lastly, while problem solving courts can be a successful method to provide services for our community members *after* they've been arrested, we ask the Council to continue to address the problems in our communities that create the risk of criminal justice involvement in the first place, such as lack of stable housing, access to gainful employment and access to substance use and mental health care.

Thank you for the opportunity to testify today. If you have any questions, please feel free to contact Kathleen McKenna, Senior Policy Social Worker, at kmckenna@bds.org.

**Testimony of David Sandman, Ph.D.
President and CEO
New York Health Foundation**

**Submitted to the New York City Council Committees on Veterans and Mental Health, Disabilities,
and Addiction in New York City
December 13, 2022**

Thank you to Chairpersons Holden and Lee and distinguished members of the Committees for the opportunity to testify today. I thank you for this opportunity to submit written testimony to the New York City Council about the importance of Veterans Treatment Courts (VTCs).

I am pleased to provide testimony on behalf of the New York Health Foundation (NYHealth), a private, independent, statewide foundation dedicated to improving the health of all New Yorkers, including the more than 100,000 veterans who call New York City home. NYHealth has been investing in the evaluation, replication, and strengthening of VTCs across New York State since 2009, and that work is ongoing.

New York's Veterans

New York State is home to more than 600,000 veterans, the eighth-largest veteran population of any state in the nation. Approximately one-quarter of the State's veteran population (133,383 veterans) live within the five boroughs of New York City. Most veterans return from deployments and transition to civilian life relatively smoothly; they're healthy, ready to work or go to school, and eager to settle back into life at home. But for some, the adjustment isn't so easy. They struggle with the invisible wounds of war: PTSD, traumatic brain injury, depression, substance use, and more. A survey of New York State's veterans by the RAND Corporation revealed that 22% of returning post-9/11 veterans have a probable mental health diagnosis.¹ The number of veterans being treated for mental illness and substance use has increased 38% since 2004.²

The burdens of mental health and substance use issues are associated with related problems such as homelessness, unemployment, and strained personal relationships. Sometimes these challenges lead to involvement with the criminal justice system. Nationally, about 8% of those incarcerated in jails or prisons are military veterans.³ An estimated one in three veterans report having been arrested and booked into jail at least once.⁴

¹ Schell et al., "A Needs Assessment of New York State Veterans: Final Report to the New York Health Foundation." Santa Monica, CA: RAND Corporation, 2011. https://www.rand.org/pubs/technical_reports/TR920.html.

² Henderson K and Stewart K. "Veterans Treatment Courts," American University, 2016. <https://www.american.edu/spa/jpo/initiatives/drug-court/upload/fact-sheet-on-veterans-treatment-courts.pdf>.

³ Bronson J, Carson EA, Noonan M, and Berzofsky M, "Veterans in Prison and Jail, 2011–12," The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2015. <https://www.bjs.gov/content/pub/pdf/vpj1112.pdf>.

⁴ Snowden, D. L., Oh, S., Salas-Wright, C. P., Vaughn, M. G., & King, E. (2017). Military service and crime: New evidence. *Social Psychiatry & Psychiatric Epidemiology*, 52(5), 605-615. <http://doi.org/10.1007/s00127-017-1342-8>; Timko, C., Nash, A., Owens, M. D., Taylor, E., & Finlay, A. K. (2020). Systematic review of criminal and legal involvement after substance use and mental health treatment among veterans: Building toward needed research. *Substance Abuse: Research & Treatment*, 14, 1-13. <https://doi.org/10.1177/1178221819901281>

The Value of Veterans Treatment Courts

For veterans who encounter the criminal justice system, VTCs offer a lifeline. VTCs are a type of problem-solving court that provide an alternative to incarceration for eligible justice-involved veterans who have mental health or substance use disorders.

It is a point of pride that the very first VTC in the nation was established in Buffalo, in 2008, by the Honorable Judge Robert Russell. New York State is the national leader for this type of social justice reform; its model is the national standard and blueprint for VTCs.

Veterans who participate in VTCs are offered mental health and/or substance use services and can be linked to veteran-specific community-based services and agencies. VTCs maintain the traditional partnerships and practices of highly successful drug courts. Rather than focusing on punishment, VTCs present a non-adversarial approach in which the judge, prosecutor, defense, probation, law enforcement and case manager work together with representatives from the U.S. Department of Veterans Affairs, as well as the state's department or commission of veterans' affairs, Vet Centers, community mental health and substance use treatment providers, veterans service organizations, and volunteer veteran peer mentors. This multi-disciplinary team ensures every veteran receives an individualized treatment plan and is connected to the service benefits he or she earned.

The evidence is clear: VTCs work. Participating in VTCs is associated with reduced recidivism, lower alcohol and drug use, more stable housing, increased opportunities for employment, stabilized relationships with friends and family, and improved mental health.

By addressing the underlying cause of criminal behavior in a highly structured and closely supervised environment, VTCs strike the proper balance between accountability and compassion. The restoration of veterans' sense of honor allows them to re-engage with their communities as productive, law-abiding citizens.

The Pandemic Renewed Urgency for Addressing Veterans' Needs

The COVID-19 pandemic exacerbated veterans' mental health issues; veterans have experienced social isolation, unemployment, food insecurity, and other factors that are associated with poor mental health outcomes. In a 2020 national survey of post-9/11 veterans and service members who incurred a physical or mental injury or illness while serving, 52% of veterans reported that their mental health had worsened during the pandemic.⁵ Last year, more than half of those surveyed said they currently suffer from moderate to severe depression; half experience moderate to severe post-traumatic stress disorder; and more than two-thirds experience moderate to severe anxiety. Nearly one-quarter reported having suicidal thoughts in the last 12 months; of those, 70% had had them in the prior two weeks. Moreover, about 20% of those surveyed report experiencing barriers to receiving mental health care.⁶

Further, there has been an increase in alcohol and other substance use during the pandemic. Numerous studies have shown increased risk of involvement in the justice system for veterans with substance use issues and PTSD.

⁵ Wounded Warrior Project and Westat, "2020 Annual Warrior Survey," <https://www.woundedwarriorproject.org/media/z0jlv53/2020-annual-warrior-survey.pdf>.

⁶ Wounded Warrior Project, "2021 Annual Warrior Survey, Longitudinal: Wave 1," <https://www.woundedwarriorproject.org/media/4ptekte3/2021-report-of-findings.pdf>.

Given these growing risk factors, VTCs are as critical as ever to ensure that justice-involved veterans get the support and treatment they need for mental health and substance use issues. It is also essential that programs and services are in place to meet veterans' behavioral health needs before they lead to encounters with the justice system. Adequate systems must be in place to support veterans during these vulnerable times.

Addressing Veterans' Behavioral Health Needs Prior to Justice System Involvement

Once veterans become involved in the criminal justice system, VTCs offer support and rehabilitation rather than incarceration. However, earlier interventions are necessary. The Committees should also consider opportunities to address veterans' behavioral health needs *before* they encounter the criminal justice system.

Community-based peer mentoring programs are a proven and effective factor in mental health promotion and suicide prevention interventions. NYHealth has made numerous investments in these programs that are starting to bear fruit. For example, the Joseph P. Dwyer Peer Support Program—which takes a confidential, peer-to-peer approach to reduce isolation, increase social connectivity, and connect veterans with community-based resources—is slated to be expanded statewide with an increased State budget allocation. The Steven A. Cohen Military Family Center at NYU Langone works to provide high-quality telemental health services and peer support to post-9/11 veterans; this year alone, they served nearly 400 New York veterans. New York Cares recruited and trained 126 volunteers to provide “buddy checks” through telephone outreach to veterans in need. And the Expiration of Term of Service (ETS) Sponsorship Program, which connects service members leaving active duty and transitioning to veteran status with peer mentors and community resources, is expanding the reach of its peer mentor program into New York City this year.

Programs like these, in tandem with VTCs, create a comprehensive community safety net for veterans both before and after they encounter the criminal justice system.

Gaps in VTC Evaluation Data

While available data largely show positive outcomes of VTCs, more robust and longitudinal evaluations are needed. In fact, even the most basic data such as the numbers of New York veterans who have participated in VTCs are hard to come by. The latest figures are seemingly from January 2017, when VTCs had helped more than 4,500 New York State veterans. More recent data do not appear to be publicly available.

To ensure the effective and equitable implementation of VTCs, ongoing and granular data collection and program assessment are imperative. A firmer grasp on how many veterans have used VTCs in New York, who they are, and the rate of successful graduations will help legal professionals, researchers, advocates, funders, and policymakers better understand not only how well these courts are performing, but also what prevents success and who is still slipping through the cracks. Researchers have called for an independent, multi-disciplinary approach to evaluating New York's efforts so as to further strengthen VTCs, now and in the future.

Conclusion

New York State set a national standard when it established the first VTC more than a decade ago. VTCs offer the best pathway to rehabilitation for veterans, help those who served their country reintegrate successfully in their communities, and maintain law and order. The challenge and the imperative now is

to ensure that VTCs continue to operate effectively and give justice-involved veterans a meaningful opportunity to get their lives back on track. Understanding VTCs' reach and impact, identifying opportunities for improvement, and making needed course corrections will require reliable, timely data for researchers, advocates, and policymakers to analyze. And ultimately, more must be done to ensure that veterans have the proper care and services to meet their behavioral health needs before they enter the justice system.

I hope you will look to the New York Health Foundation as a resource and a partner in your work to continue to strengthen Veterans Treatment Courts and ensure that all of New York's veterans have the care and services they need and deserve.

Testimony by the New York Legal Assistance Group (NYLAG)

Before the New York City Council Committee on Veterans and Committee on Mental Health, Disabilities, and Addiction regarding:

Veterans Treatment Courts

December 13, 2022

Chair Holden, Chair Lee, Council Members, and staff, thank you for this opportunity to provide testimony to the Committee on Veterans and Committee on Mental Health, Disabilities and Addiction about the City's Veterans Treatment Courts. My name is Ryan Foley, and I am the project director and supervising attorney of the Veterans Practice at the New York Legal Assistance Group (NYLAG). The New York Legal Assistance Group uses the power of the law to help New Yorkers in need combat economic, racial, and social injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG serves military veterans, immigrants, seniors, the homebound, families, facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence survivors, persons with disabilities, patients with chronic illness or disease, low-wage workers, members of the LGBTQ+ community, Holocaust survivors, and others in need of free civil legal services.

NYLAG's Veterans Practice is a community-based veterans program, funded by the City Council's Legal Services for Veterans Initiative and Discharge Upgrade Legal Assistance Services grants. The Veterans Practice provides comprehensive services to veterans and their families, regardless of discharge status, with the aim of increasing eligibility and access to the

numerous federal and state benefits available to the veteran community. Veterans face all the same legal concerns as any other population, but also experience issues unique to their veteran status and military experiences. Our Veterans Practice focuses on those specialized issues, while simultaneously utilizing the expertise of NYLAG's 300+ attorneys, paralegals, and financial counselors to address any other civil legal needs presented.

NYLAG is an ardent supporter of problem-solving courts, such as Veterans Treatment Courts (VTCs), which look to find alternatives to incarceration for justice involved individuals struggling with mental health and substance use conditions. The veteran clients that NYLAG serves are sadly all too familiar with these challenges. The Department of Veterans Affairs reports: between 11-20% of veterans who served during Operations Iraqi Freedom (OIF) and Enduring Freedom (OEF), 12% of veterans who served during the Gulf War, and 15% of the veterans who served during the Vietnam War have Post-Traumatic Stress Disorder (PTSD).¹ Studies have also found that veterans in New York State are eight times more likely to experience PTSD, and two to four times more likely to experience major depression than their civilian counterparts.² It is also important to note that these numbers do not fully capture the mental health issues impacting the veteran population because they don't include the estimated 15% of military veterans who received a less-than-honorable discharge.³

New York City is facing a mental health crisis, and problem-solving courts should be viewed as part of the solution. VTCs in particular have the capability to provide a bridge for

¹ U.S. Department of Veterans Affairs, National Center for PTSD, *How Common is PTSD in Veterans?*, available at https://www.ptsd.va.gov/understand/common/common_veterans.asp.

² NYS Health Foundation. *Veterans and Health in New York State* (July 2017), available at <https://nyshealthfoundation.org/wp-content/uploads/2017/11/veterans-and-health-in-new-york-state-july-2017.pdf>.

³ Veterans Legal Clinic, Legal Servs. Ctr. Of Harvard Law Sch., *Underserved: How the VA Wrongfully Excludes Veterans with Bad-Paper Discharges*, (2016), <https://www.swords-to-plowshares.org/sites/default/files/Underserved.pdf>

struggling justice-involved veterans to needed treatment, but also to the resources and benefits that can stabilize and change their lives. Veterans suffering from mental health and substance abuse issues are frequently plagued by homelessness, lack of education, and other social disadvantages, all of which the Department of Veterans Affairs has programs to address and ameliorate. Studies have found VTC participants have better housing and employment outcomes compared to other criminal justice-involved veterans, as well as significantly lower recidivism rates.⁴

VTCs have enormous potential, but their success needs to be measured beyond just criminal justice outcomes in its participants. To be truly successful these Courts need to be flexible in participant eligibility and comprehensive in services provided. If veterans are being turned away or if program requirements are rigorous to the point that veterans feel like they are unable to participate, it is not sufficiently inclusive to the needs of the community. VTCs should also consider part of their mission to be improving the well-being of participants beyond the four walls of the courtroom. If a veteran is graduating the Court homeless, unemployed, or unable to support themselves, it suggests that the Court is not fulfilling its potential to have a sustainable impact on improving the lives of the most vulnerable veterans. Each Court needs the presence of the VA and DVS, but they also need the involvement of organizations that provide auxiliary services like civil legal aid, housing assistance, and employment opportunities as well as strong mentorship programs.⁵

In addition, as important as VTCs are, a veteran should not need to reach the point that they are justice-involved to gain access to crucial treatment. It is impossible for the City to

⁴ Ryan Foley & Jamie Rowen, *Putting the "VA" in VTCs: How Facilitating VA Access Can Make Veterans Treatment Courts More Effective*, 12 Wake Forest J.L. & Pol'y 103, available at <https://wfulawpolicyjournal.com/issues/past-issues/volume-121/>.

⁵ *See id.*

address our mental health crisis without increasing mental health resources. Expanding eligibility and access to VTCs alone is futile if we lack the capacity to provide ongoing mental health care. We need to support our veterans from the start, rather than intervene after their struggles escalate to the point of criminal prosecution. NYLAG believes a true commitment to help our veterans starts with expanded health care resources, particularly related to mental health, for veterans as well as every other New Yorker who needs care.

For New York City to be considered a leader when it has come to addressing the mental health needs of our veteran community it takes more than just establishing VTCs across the five boroughs. First, we need to make sure that these Courts are serving the most vulnerable veterans. This can be accomplished by creating broad and inclusive requirements to make the Court accessible for all veterans. Second, VTCs should be evaluated not solely based on recidivism, but also on factors such as housing security, financial stability, and continued health care treatment. This will prioritize bringing in community resources and ensuring a long-lasting commitment to VTC participants. Finally, and most importantly, we must support the creation of more accessible mental health resources, so less veterans need to utilize VTCs.

NYLAG looks forward to engaging in further discussions about how we can help efforts to improve our VTCs and ensure the veteran community can access civil legal services, mental health care, and other critical resources.

Respectfully submitted,

New York Legal Assistance Group

From: [Rabah Belkebir](#)
To: [Testimony](#)
Subject: [EXTERNAL] Message from a disabled veteran.
Date: Monday, December 12, 2022 12:40:54 PM

To whom it may concern .

First I hope that you are all doing well , on behalf of NYC disabled veterans street vendors , we want to thank you about your concern , helping veterans , but as disabled veteran myself with a mental issue too , this is our suggestion I was thinking to attend the hearing , but unfortunately I can't , because of my health issue , It is good to have a hearing about our veterans mental treatments , it is good to get a nice treatment , but what can happen after that?

Since 1984 , the NYS assembly voted a law , that authorize , service connected veterans , to vend in the streets , the reason for that , first is to help them with their income , since the government was giving them a small pension , second is to stop them from comiting suicide , as you may know one third of homeless population in New york are veterans , and 22 veterans comit suicide every single day , so street vending is one of the solutions , some time occupied some one is the best medication , so this solution was helping our disabled veterans with a mental issues , but today these veterans are going thru a lot of problems they are losing protections as street vendors , and the city and it's agencies (NYPD , DCWP , Health department , department of OATH , parks department , we did have a few of city council meeting , but nothing was done , there is some streets in nyc , called restricted streets , these streets are basically reserved for disabled veterans to vend , in the midtown core there is 105 veterans who can work there in the outside core , they limits the numbers only to two per block , today a non veterans are working in these spots , under the city agencies and the mayor's tean noise , and no one is doing anything to help , we called email, did everything , nothing has been done .our disabled veterans , did want to the spots reserved for them to work , they found a non veterans food vendor there , which he is illegal , the illegal vendor did threat our 82 YO disabled veteran , that If he bring his general merchandise table there , that he will smash it over his head , we called the NYPD , they said that call 311 ,this is what disabled veterans who fight for our country with the price of our blood , are facing everyday in the city , our sacrifice for our Nation , should be respected not violated , so we thank you for this hearing , but you have to do the job all the way as elected officials , we need your protection , the threats against disabled veterans , who want to feed their family legally must stop too .

May god bless you all on behalf of disabled veterans vendors. We want to thank you .

rabah Belkebir a disabled american veteran with a group of disabled veterans street vendors

email disabledamericanveteran72@gmail.com

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12/13/22

(PLEASE PRINT)

Name: Sam Sloane, New York County Defender Services

Address: 100 William Street

I represent: New York County Defender Services

Address: 100 William Street

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Herbert Sweet

Address: E. Miller Ave

I represent: Veteran Treatment Court

Address: 100 Centre St. MTA

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Date: 12-13-22

Name: Rachel Vallone (PLEASE PRINT) for external
NYC DVS, Deputy Commissioner Affairs

Address: Leaside Street St 2208, NY/NY

I represent: NYC DVS

Address: _____

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Name: NYC DVE COMMUNITY OF LINDEN W.

Address: 100 W 11th St, Apt 2708, NYC, NY

I represent: NYC DVE

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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in favor in opposition

Date: 12-13-22

(PLEASE PRINT)

Name: DIANA YOUNG, SE. POLICE ACADEMY

Address: 100 W 11th St, Apt 2708

I represent: NYNY

Address: _____

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