

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON VETERANS JOINTLY
WITH COMMITTEE ON COURTS AND
LEGAL SERVICES AND THE
COMMITTEE ON MENTAL HEALTH,
DEVELOPMENTAL DISABILITY,
ALCOHOLISM, DRUG ABUSE AND
DISABILITY SERVICES

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February 25, 2015

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HELD AT: Committee Room - City Hall

B E F O R E: ERIC A. ULRICH
RORY L. LANCMAN
ANDREW COHEN
Chairpersons

COUNCIL MEMBERS:

FERNANDO CABRERA
ALAN N. MAISEL
PAUL VALLONE
VANESSA L. GIBSON
BEN KALLOS
CARLOS MENCHACA
VINCENT IGNIZIO
ELIZABETH S. CROWLEY
RUBEN WILLS
COREY D. JOHNSON

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

Loree Sutton
Commissioner
Mayor's Office of Veterans Affairs (MOVA)

Jo Ann Ferdinand
New York State Supreme Court Justice in Kings County
Presiding Judge
Brooklyn Veterans Court

Valerie Raine
Statewide Drug Court Coordinator
Office of Policy and Planning
Office of Court Administration (OCA)

Joseph Madonia
Project Director
Brooklyn Veterans Treatment Court

John Moore
New York State Supreme Court Justice
Presiding Judge
Veterans Court

Gale Brewer
President
Manhattan Borough

Oswaldo Pereira
Representative
Public Advocate Letitia James' Office

Timothy Koller
Executive Assistant District Attorney in Richmond
Office of Daniel M. Donovan, Jr.
Richmond County District Attorney

Karen Rankin,
Chief of the Narcotic Trials Bureau
Queens District Attorney's Office

Donna Mills
Assistant District Attorney
Presiding Prosecuting Attorney for Treatment Courts
Queens District Attorneys Office

Dan McSweeney
Member, Advisory Board
United War Veterans Council (UWVC)

Anise Leonardo
New York City Veterans Alliance
Licensed Therapist

Frank LaMarsh
Vietnam Veteran and Member
American Legion

Scott Swaim
Licensed Mental Health Counselor
Justice for Vets

Jason Hansman
Iraq and Afghanistan's Veterans of America

Peter Kempner
Senior Staff Attorney and Coordinator
Veterans Litigation
Veteran Justice Project at Legal Services NYC

Cameron Mease
Trial Attorney
Brooklyn Defender Services

David Falcon
Staff Attorney
Veteran Legal Assistance Project
New York Legal Assistance Group (NYLAG)

CHAIRPERSON ULRICH: ..Ground Hog's day.

I am Chair of the Council's Veterans Committee. Let
me first begin by thanking my good friend and
colleague Council Member Rory Lancman, who is the
Chairman of the Committee on Courts and Legal
Services, as well as my friend and colleague Council
Member Andrew Cohen who chairs the Council Committee
on Mental Health. As well as both members of those
respective committees for holding this joint hearing
today on this very important topic. Too often
members of our armed services end up in the criminal
justice system as they struggle to cope with the
psychological effects of war. Many turn to drugs and
alcohol as they find themselves homeless, jobless,
and with strained relationships after years of
incredible sacrifice and service.

In Buffalo, New York, Judge Robert
Russell seeing the noticeable rise in the amount of
veterans in the city's Drug and Mental Health
Treatment Court dockets, devised a system, which has
become a proven model for helping troubled veterans,
and gets them the supportive services tailored to
their unique experiences and their needs. The
veteran-mentor component in particular has been an

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2 incredibly powerful tool in making sure that
3 participants stay on the right track. Here in New
4 York City we have programs in three out of the five
5 boroughs, Brooklyn, Queens and the Bronx. And I want
6 to commend each of these programs on the terrific
7 work that they do. The program looks like it will
8 also spread to Staten Island and hopefully Manhattan
9 in the future. As we all know, it is essential that
10 Veteran Treatment Courts become available in all five
11 boroughs. A veteran in every borough deserves to be
12 given a second chance and the same accommodations
13 that another veteran receives in any other borough.

14 I want to acknowledge my colleagues, the
15 members of the Veterans Committee who are here. I
16 know that Council Member Maisel was here. He just
17 stepped out to another hearing. Council Member
18 Vallone is here, Council Member Cohen. Those are the
19 members of the Veterans Committee who are with us
20 today. And I would ask Council Member Lancman for
21 his opening remarks and to acknowledge the members of
22 his committee who are also present before we hear
23 from Council Member Cohen.

24 CHAIRPERSON LANCMAN: Good afternoon.
25 Thank you, Eric and Andy for participating in this

hearing. It's good to see you, and to see so many friends in the audience. It is a challenge to the justice system to administer justice fairly and equally across the wide range of problems and circumstances that it must confront in both the civil and the criminal system. And certainly one of the things that the justice system has been committed to, and which we want to, if we can, expand and make it as strong as possible, is treating our veterans with the particular care and concern that they deserve. Every group of people, every person who appears in court particularly in criminal court is presenting with a particular set of circumstances and background and history. And when we are able to look at those individuals contextually, and look at them in the context of the circumstances that shape their experiences and what might have brought them to court on a given day, we've made the justice system that much more fair. I had the opportunity to observe Veterans Court in operation in my home borough of Queens. I've been nothing but impressed with the judges and the commitment on behalf of the Administration. But the Court Administration in making sure that our veterans to making sure that our

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2 veterans get the particular attention that they
3 deserve. I'm very interested in this hearing to see
4 what it is that the City could be doing more to
5 support these courts. The whole purpose of the
6 Veterans Court or any specialty court is to go beyond
7 the four corners of the--the four walls of the
8 courtroom, and be able to provide services and
9 direction that meets the particular needs of those
10 individuals. So that we can keep them out of the
11 justice system in the future. So that's something
12 that I'm particularly interested in especially as
13 we're going through the City's budget process right
14 now. And if there are ways that the City can better
15 support all our specialty courts, and our Veterans
16 Court in particular, I think that's the Council would
17 be very interested in. Thank you.

18 CHAIRPERSON ULRICH: Thank you Chairman
19 Lancman and we'll hear briefly from the Chair of the
20 Mental Health Committee, Council Member Cohen.

21 CHAIRPERSON COHEN: [laughs] Good morn--
22 good afternoon. My name is Andrew Cohen, and I'm the
23 Chair of the Council, the Committee on Mental Health,
24 Developmental Disability, Alcoholism, Drug Use and
25 Disability Services. I am pleased to be joined by my

colleagues, Chair Eric Ulrich, Chair of the Committee on Veterans; and Rory Lancman, Chair of the committee on Courts and Legal Services. With them, I'm co-chairing this hearing.

When a veteran returns home from service, he or she may encounter challenges during the transition back into normal everyday life. Distress encountered through service abroad may linger for a short time or may have long-lasting effects for both the individual and his or her family. Left untreated, these effects may result in substance abuse disorders and mental health issues such as depression, anxiety, Post-Traumatic Stress disorder, sleeplessness, physical illness, unemployment, homelessness, marital problems, and as a consequence, involvement with the criminal justice system.

Every single one of these problems can impose an added barrier for a veteran trying to resume a productive post-service--life post-service. None so more than the consequence of a criminal record. In today's hearing we will examine the range, quality, and availability of services for veterans with mental health and substance abuse issues who come into contact with the criminal

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2 justice system. I look forward to learning more
3 about Veterans Treatment Courts and examining how
4 well these services-- How well the services these
5 courts provide work. I'm encouraged by the positive
6 response we received in light of this oversight
7 hearing, and by today's turnout with the
8 representatives from the criminal justice and legal
9 communities, court administration, veteran advocacy
10 groups, and mental health and substance abuse
11 treatment professionals.

12 I would like to note an especially
13 important element of today's hearings will be to hear
14 from the veterans themselves so that we can work
15 together and explore how to make these special
16 problem-solving courts the most successful possible.
17 Let us not forget when these individuals enter the
18 criminal justice system they are labeled the
19 defendant. He or she still remains--retains the
20 status of veteran, one who put their life on the line
21 for our nation. And as such, deserve the most due
22 process and every single benefit we as a city and a
23 nation can provide them.

24 I'll acknowledge the members of the
25 committee as they arrive. There are many hearings

going on simultaneously today. And I would also like
to acknowledge Kimberly Williams and Michael Benjamin
for their work in helping me prepare for today's
hearing. Thank you.

CHAIRPERSON LANCMAN: Let me just
acknowledge that we've been joined by two members of
the Courts and Legal Services Committee, the Minority
Leader Vincent Ignizio from Staten Island and the
Chair of the Public Safety Committee Vanessa Gibson
from the Bronx.

CHAIRPERSON ULRICH: Thank you for
joining us and we are first going to hear from the
Commissioner of the Mayor's Office of Veterans
Affairs, Dr. Laurie Sutton. But before she begins her
testimony, I would like to thank all of the members
of the judiciary who have joined us with the
respective district attorney's office, and several
other elected officials who signed up to testify
today. But certainly, we are all committed to making
sure that veterans that enter the criminal justice
system are afforded the opportunities for
rehabilitation, not incarceration. Certainly, we're
looking to help as many veterans as we can. So, Dr.

Sutton, please begin when you're ready, and we'll ask
the clerk to read the affirmation.

CLERK: Do you affirm to tell the truth,
the whole truth, and nothing but the truth in your
testimony before this committee, and to respond
honestly to Council Member questions?

COMMISSIONER SUTTON: I do. Good
afternoon Chairman Lancman, Chairman Ulrich, Chairman
Cohen and the members of the Committees on Courts and
Legal Services, Veterans and Mental Health. My name
is Loree Sutton, and I serve as the Commissioner of
the Mayor's Office of Veterans Affairs. I appreciate
your leadership, and look forward to sharing my
perspective on today's topic: Veterans Treatment
Courts. Let me start out by recognizing my
colleagues at the Mayor's Office of Criminal Justice
for their expertise and engagement with respect to
this topic. Director Elizabeth Glazer and her team
are fully committed to ensuring equity and justice
for veterans. I trust their judgment and am working
in collaboration on the behavioral health and
criminal justice system action plan. Other
interagency collaborations reflecting the Mayor's
leadership ethos and determination to break down the

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2 silos that so often characterize organizational
3 bureaucracies. Include MOVA's partnership with the
4 Department of Small Business Services to foster
5 successful veteran business ownership opportunities.
6 Our partnership with the Department of Consumer
7 Affairs to recognize and strengthen actions to thwart
8 financial predators from exploiting veterans and
9 their families. Our partnership with the Mayor's
10 Office of Contract Services to improve contract
11 performance in the procurement process. And our
12 citywide public-private partnerships in support of
13 the Mayor's pledge to end veteran homelessness. And
14 this is just the beginning.

15 Moving ahead to today's topic, I first
16 learned about Veterans Treatment Courts in 2008 while
17 serving as the Founding Director of the Defense
18 Centers of Excellence for Psychological Health and
19 Traumatic Brain Injury. When New York's own
20 Honorable Judge Robert Russell started the first
21 Veterans Treatment Court in Buffalo, New York
22 catalyzing a national movement. Building upon two
23 decades of success with drug and mental health courts
24 started in Florida by former U.S. Attorney General
25 Jane Reno. Judge Russell recognized the clear need

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2 to provide an alternative path to incarceration for
3 veterans who could benefit tremendously from judicial
4 supervision, therapeutic programs, social support,
5 clinical therapy. And, when indicated,
6 pharmacological treatment including Methadone and
7 Buprenorphine for opioid dependence, while still
8 being held accountable for their actions.

9 Involvement with the criminal justice
10 system for veterans is often related to service
11 connected and underlying mental health and substance
12 abuse issues that either stem from or have been
13 exacerbated by experiences in uniform. Which, of
14 course, can include being wounded, ill, or injured
15 whether or not an individual was engaged in or
16 exposed to combat operations. Just a few years later
17 with over 200 Veteran Treatment Courts around the
18 country, a number that continues to grow, countless
19 service men and women struggling with the
20 psychological, physical and spiritual sequela of
21 deployment experience have been able to turn their
22 lives around and continue their ethos of service as
23 leaders within their home communities.

24 Through Judge Russell's leadership by
25 example, the New York State Unified Court System has

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2 responded accordingly to this challenge with the
3 creation of Veterans Treatment Courts. The aim of
4 these courts is to address these underlying issues
5 and connect veterans to the services and support they
6 need. The Veteran Treatment Courts strike a balance
7 between upholding the rule of law, and providing
8 treatment services for these men and women to whom
9 our society remains indebted.

10 Having visited two of New York City's
11 Veteran Treatment Courts in Brooklyn and the Bronx,
12 it is clear to me that the essential components and
13 the key to the success of the Veteran Treatment Court
14 model are the role of the peer veteran mentors. And
15 the collaboration with the U.S. Department of
16 Veterans Affairs and other veteran service agencies.
17 Veteran mentors share a common frame of reference
18 with respect to their shared experiences in the
19 military. Which allows them to effectively engage
20 participants; act as a resource and guide to
21 navigating the courts; help participants maintain
22 focus on their treatment; assist in navigating the
23 challenges of adjusting to a healthy and productive
24 civilian lifestyle. And finally, successfully
25 graduating from Veteran Treatment Court. Their

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2 contribution to the Veteran Treatment Courts is
3 immeasurable, and must be witnessed to truly
4 appreciate. One of MOVA's own team members, Letitia
5 Rousseau, who serves as a volunteer peer mentor at
6 the Bronx Veterans Treatment Court, describes her
7 experience as "fulfilling beyond measure"
8 particularly when working with veterans, men and
9 women, to reunited families and break the destructive
10 cycle of addiction. This program, she says, saves
11 lives.

12 Establishing and operating a Veteran
13 Treatment Court requires commitment by the entire
14 court system as well as the Department of Veteran
15 Affairs Healthcare Networks; Veterans Justice
16 Outreach Specialists; the Veterans Benefits
17 Administration; State Departments of Veterans
18 Affairs; peer veteran mentors; and veterans service
19 and family support community organizations. It
20 requires a systems perspective to understand and
21 leverage the complex relationships among individuals
22 and organizations with widely differing roles for
23 specialist specialties, agency and community
24 affiliations, as well as levels of government working
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in cooperation to achieve better outcomes in serving those who have served us.

It reminds me of a vital work in progress launched by the Mayor's Office of Criminal Justice and convening the Task Force on Behavioral Health in the criminal justice system. The Mayor's commitment to public health and public safety is clear and compelling. We can and must do both. In its December 2014 Action Plan, the task force outlined how New York City will ensure that its public safety and public health systems are working together. And that we are implementing the smartest and most effective strategies across the board. The Task Force on Behavioral Health in the criminal justice system rigorously mapped the gaps in current systems and developed targeted solutions that look not only at individual points in the system, but at how the system as a whole operates.

As the MOVA Commissioner, I'm excited to participate in this historic endeavor representing then needs of veterans and their families, and applying resilience and informed approaches that empower communities and individuals across the system. Moving the frontline of intervention from

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2 the clinic to the community, and naturally keeping
3 veterans out of the criminal justice system to begin
4 with benefits all involved. Thank you again for your
5 leadership, and for this opportunity to testify on
6 this important topic today. At this time, I look
7 forward to your questions and comments. Thank you
8 very much.

9 CHAIRPERSON ULRICH: Thank you
10 Commissioner Sutton for your testimony and for your
11 support of the services that provide vital help for
12 veterans who are-- Who get caught up in the criminal
13 justice system. That's probably the best way to put
14 it. Do any of the members of the respective
15 committees have any questions to ask before we
16 continue? Okay, we'll start with the Chair of the
17 Courts Committee, Council Member Lancman.

18 CHAIRPERSON LANCMAN: Good afternoon
19 again. Thank you so much for being here, and for all
20 that you do for our veterans. I want to figure out
21 what it is--what is the city's footprint in our
22 Veterans Courts and what is the city's involvement in
23 monitoring what goes on in the courts as well as the
24 services that the city provides? And we say this
25 mindful of the fact that the courts are not run by the

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2 city. That the courts do not fund--the city does not
3 fund the courts operations, but the city has an
4 enormous stake in what goes on in our courts. So,
5 could you just talk about what it is that the city
6 does in terms of providing services to the Veterans
7 Courts or supporting the operations of the Veterans
8 Courts?

9 COMMISSIONER SUTTON: The Mayor's Office
10 of Criminal Justice is most directly involved in this
11 because the Veteran Treatment Courts, of course, go
12 through the Office of Courts Administration. But in
13 terms of MOVA's role, what I have done is what I said
14 in my testimony is I have offered my assistance. And
15 I'm making the rounds in terms of visiting each of
16 the boroughs and their court systems to see their
17 particular model. So, that's what I would offer in
18 terms of what I know of that's being done in this
19 particular area.

20 CHAIRPERSON LANCMAN: So, and we will
21 have OCA testify later, and hopefully you can stick
22 around and hear what they've got to say.

23 COMMISSIONER SUTTON: Uh-huh.

24 CHAIRPERSON LANCMAN: But in particular,
25 the whole purpose of the specialty courts, whether

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2 it's the Veterans Courts or mental health courts
3 generally or youth offender parts or what have you,
4 is, as I said in my opening statement, to look beyond
5 just the defendant, prosecutor, judge--

6 COMMISSIONER SUTTON: [interposing] Uh-
7 huh.

8 CHAIRPERSON LANCMAN: --defense lawyer.
9 And see what it is that we can provide to the
10 defendant to fairly address whatever it is that
11 brought him or her before the court that day. And
12 also for his or her benefit for the taxpayers'
13 benefit to offer services so that we don't see them
14 again.

15 COMMISSIONER SUTTON: Uh-huh.

16 CHAIRPERSON LANCMAN: And veterans come
17 to court with many particular needs shaped on their
18 own experiences. They may have mental health issues,
19 which is probably what we think of most when we think
20 of the specialty courts, the Veterans Courts. But
21 they might have other issues. They might have
22 employment issues. They might have housing issues.
23 They might have family issues going on, and I know I
24 don't need to tell you that veterans have challenges
25 in those areas at higher rates than the non-veteran

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2 population. So, has there been any consideration
3 given to providing city resources to support services
4 and programs that those courts can refer defendants
5 to as part of the process? For example, counseling
6 services if the veteran in front of them is having
7 family, marital, domestic issues, housing services,
8 employment services. Those are the kinds of things
9 that I think we need to see the city step up and do
10 in order for these courts to really as holistic as we
11 aim them--aim for them to be.

12 COMMISSIONER SUTTON: Sure and our
13 assessment has been that it's not as much an issue of
14 lacking capacity in terms of services, but actually
15 MOVA's direct role is that of coordination. And
16 that's a growing role, and it's one that we take very
17 seriously working with our partners in the--not only
18 in the city sector. But, also with our partners in
19 the public, private and not for profit sector. And
20 you'll be hearing more of this as we go forward. We
21 have some very exciting plans underway just on that
22 particular point. Coordination is really the coin of
23 the realm here.

24 CHAIRPERSON LANCMAN: And in terms of the
25 Veterans Courts, would the office--which office would

kind of be the point person, the point place for that
kind of coordination? Would it be MOVA or would it
be MOCJ, the Mayor's Office of Criminal Justice?

COMMISSIONER SUTTON: With respect to the
Veterans Treatment Courts?

CHAIRPERSON LANCMAN: Yes.

COMMISSIONER SUTTON: We would support
MOCJ in that regard, absolutely.

CHAIRPERSON LANCMAN: Okay.

COMMISSIONER SUTTON: MOVA plays a
supporting role. They've got the lead. We play the
supporting role, and we're working with them closely
to that very end.

CHAIRPERSON LANCMAN: Okay, and in terms
of monitoring the success of the courts having data
about which veterans, with which kinds of problems
are appearing in the courts, if we were to ask MOVA
or MOCJ or the City--and we'll sort out who in the
City that is--to keep track of that information. And
maybe report to us on some kind of annual basis so we
can adjust policy accordingly. I don't mean to put
you on the spot, but that's probably not something
that would be overly burdensome. It would probably
be useful both to you and to us.

COMMISSIONER SUTTON: We'd be glad to
consider any such proposals.

CHAIRPERSON LANCMAN: Okay. All right,
well thank you very much.

COMMISSIONER SUTTON: Thank you, Chairman
Lancman.

CHAIRPERSON ULRICH: Thank you very much.
The Minority Leader Vincent Ignizio.

COUNCIL MEMBER IGNIZIO: Thank you
Chairman Ulrich and Chairman Lancman. And General,
good to see you. As a proud son of a U.S. Army man,
I'm privileged to have you here, and serve our city.
I represent Staten Island, which has a very large
veterans population, and I want to know how much
interaction I guess does your office, the courts have
with Staten--and the courts have with Staten Island
veterans? And my point is, is it sufficient or do we
need expansion to make this truly-- And we hear this
a lot around the City Hall we're making things the
Five Borough Plan. But sometimes when it comes to
resources, those boroughs stop, you know, as--as only
a few. Do we need to expand the system you think to
come to every borough? I recognize not you, but I'm

1
2 talking about in your experience with veterans do you
3 believe that it needs to be expanded?

4 COMMISSIONER SUTTON: Sure, you know, I
5 remain engaged with Borough President Otis or Otto--
6 Otis--

7 COUNCIL MEMBER IGNIZIO: Otis it is.

8 COMMISSIONER SUTTON: --Otto on this
9 issue and in particular I know that there are some
10 infrastructure issues at this point that have sort of
11 delayed Staten Island standing up the Veteran
12 Treatment Courts.

13 COUNCIL MEMBER IGNIZIO: Yeah, and-- and
14 sorry, General but we do have a \$174 million
15 courthouse that we're-- We'd be more than happy..
16 We're opening in the next-- We're looking over to go
17 [sic] in the next couple of weeks.

18 COMMISSIONER SUTTON: Sure.

19 COUNCIL MEMBER IGNIZIO: So hopefully
20 I'll be able to do something.

21 COMMISSIONER SUTTON: Sure, I know that
22 it's just in the offing and I look forward to
23 offering whatever assistance that I can.

24 COUNCIL MEMBER IGNIZIO: Thank you.
25

COMMISSIONER SUTTON: I know last week
when I was--I had the opportunity to go visit the
Staff Sergeant Michael Ollis [sp?]

COUNCIL MEMBER IGNIZIO: [interposing]
Sure.

COMMISSIONER SUTTON: --VFW post in
Staten Island, and to kick off the national campaign
for the artist who is painting the flags on VFW Post
and American Legion Post.

COUNCIL MEMBER IGNIZIO: Scott LoBaido?

COMMISSIONER SUTTON: Exactly. I had a
chance to talk to a number of folks in Staten Island
and this was one of the topics that came up, and I
think people are-- In the veterans community families
and veterans alike are looking forward to this new
development in Staten Island. And as I said--

COUNCIL MEMBER IGNIZIO: [interposing]
Sure.

COMMISSIONER SUTTON: --I offer my full
assistance in whatever way I can be of service.

COUNCIL MEMBER IGNIZIO: [interposing]
Yeah, I would just like to work with your office as
well as my colleagues, Council Member Matteo and Rose
to see are we addressing the need. It's really what

1 we're saying. It's us two, us two or, you know, do
2 we adequately address the needs of our veteran
3 community be it through the court system, through
4 your office? And if we're not, then let's work
5 through the budget process with my colleagues Council
6 Member Ulrich and Lancman and whoever else to make
7 sure that we do. That's all.

9 COMMISSIONER SUTTON: I think that's
10 true, and I think that every community does have to
11 assess their own needs. And given that Staten Island
12 had done that and has arrived at this decision to
13 move forward, again, we'll be supportive in every way
14 we can.

15 COUNCIL MEMBER IGNIZIO: Thank you,
16 General.

17 COMMISSIONER SUTTON: Thank you.

18 CHAIRPERSON ULRICH: Any other members of
19 any of the committees would like to ask any
20 questions? I think-- Yeah, okay, Council Member
21 Vallone is the last speaker.

22 COUNCIL MEMBER VALLONE: Thank you again,
23 General, for all you've done so far in such a short
24 term. I guess the Mayor's role and MOVA's role in
25 this do you see any way that you can assist in

1 address the-- I guess two things. The dropout rate,
2 which is pretty high for the veterans who
3 participate, which is one in five. And the possible
4 consideration of expanding the categories of the
5 veterans eligible for the VTCs. Because there are
6 many ways to get knocked out whether it's 32% of
7 ineligible for benefits, or bad discharge, conduct
8 discharge. It seems there's a lot of categories that
9 are not very deserving veterans out of these
10 services. Any way that you could see your role in
11 helping in that?
12

13 COMMISSIONER SUTTON: I absolutely could,
14 and I look forward to digging into those stats now
15 that we're in a position to be able to compile some
16 data and do some comparative looks. Not only within
17 New York City, but also looking across the state as
18 well--as well as around the nation. So, I would look
19 forward to being a resource in that regard.

20 COUNCIL MEMBER VALLONE: Thank you very
21 much. Thank you, Chair.

22 CHAIRPERSON ULRICH: Thank you very much
23 Council Member Vallone and Dr. Sutton thank you as
24 always for being here. And we look forward to seeing
25 you again soon. Thank you very much. The first

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2 panel after the Administration testifies will be
3 comprised of the Honorable John S. Moore from the
4 Bronx Veterans Court. And also Judge Jo Ann
5 Ferdinand from Brooklyn Veterans Court. We will not
6 swear in the judges. I don't think it's necessary.

7 MALE SPEAKER: They have to swear us in.

8 CHAIRPERSON ULRICH: I think they might
9 have to swear us. Right. That's right. Are there
10 any other members of the judiciary who are here?
11 We're calling up the judges first, and then we're
12 going to go to the DAs. Okay, so seeing as there are
13 none, Judge Ferdinand, we'll begin with you, please?

14 [pause]

15 JUDGE JO ANN FERDINAND: Good afternoon.
16 I thank you all for taking up this really important
17 issue, important to us in the courts and to us--all
18 of us who live in New York City. My name is Jo Ann
19 Ferdinand. I'm a Justice of the Supreme Court in
20 Kings County. I preside over the Brooklyn Treatment
21 Court, which was the first drug court in the City of
22 New York, and now the Brooklyn Veterans Court.

23 We've known from movies as old as the
24 World War II classic the *Best Years of our Lives* up
25 until the most recently *American Sniper* that many

veterans bring home with them problems, which affect their ability to successfully return to civilian life. PTSD, depression, anxiety, Traumatic Brain Injury, survivors guilt, secrets and shame. So it's little surprise that some of them turn to alcohol or other substances to numb the pain. Because they often fail to get the proper treatment for these problems, they find themselves in our criminal courts on drug charges, DWI charges, having fights. For nearly 20 years the Brooklyn Treatment Court has had universal screening for our Treatment Court. What that means is every defendant who is eligible to participate in the Treatment Court whose criminal behavior is the product of substance abuse or mental health is identified at the earliest possible moment in the process. Excuse me. And they're offered an opportunity to resolve their criminal case by enrolling in court monitored treatment. Our success is due to the collaboration between the DA the Defense Bar, the courts and treatment providers. And the Drug Court model ensures that participants are referred to appropriate treatment programs. They're guaranteed multiple chances to accomplish their goals by the use of a system of sanctions and rewards

administered directly under the supervision of a
judge.

In 2009, Drug Court became an integral
part of the criminal justice system when the Drug Law
Reform Act established judicial diversion for felony
offenders. The eligibility criteria of that law
mirrors Brooklyn's Treatment Court. All non-violent
crimes committed by drug addicts are eligible at the
judge's discretion without the consent of the DA to
participate. The DA's consent is still required for
certain crimes such as DWI and all violent crimes.
Veterans have been showing up in my treatment court
for years, but it took us a while to realize that we
needed to modify our approach. Veterans have
particular barriers to treatment and recovery.
Denial is powerful among the warrior culture. They
feel shame that they're not able to solve the problem
on their own. There's a stigma of addiction. For
many Vietnam veterans they would not even identify
themselves as having military service. The pathway
of a veteran to the criminal justice system is also
different. It may be as a result of abusive
prescription pain medication. It may be because of
trauma suffered during the war. They are hyper-

1
2 vigilant, have nightmares. They're aggressive. They
3 lack coping skills particularly when not being given
4 orders. So they're self-medicating for emotional and
5 spiritual pain. But when you bring them into the
6 Treatment Court, they have another problem. They
7 have difficulty relating to civilians. We don't
8 understand what they've experienced. A veteran just
9 last week told me what made a difference for him was
10 when I sent him to a veteran specific program, and he
11 felt embraced by the other people there.

12 So the think about Veterans Treatment
13 Court is that the strengths that veterans bring make
14 them ideal candidates for Treatment Court. They
15 understand the importance of honoring commitments.
16 They take responsibility for their actions. They
17 thrive in a structured environment, and they have
18 great respect for authority. Those are all key
19 components of Treatment Court, and that's why the
20 role of the judge is very important in a Veterans
21 Treatment Court. I asked a colleague of mine who is
22 himself a Vietnam veteran if he would preside over
23 some of the veterans within our court n the idea that
24 he would provide that extra piece that would allow
25 our veterans to feel a connection to the court. So

1
2 we took a look at the strengths of veterans, and we
3 created a model in which they could succeed. We
4 provide them with a peer group of other veterans,
5 which whom they can bond overcoming values of honor
6 and sacrifice. They learn trust first with their new
7 comrades, and then by extension with us. And we use
8 it as an opportunity to provide new purpose and
9 meaning in their lives.

10 Because of the preponderance of co-
11 occurring mental health and substance abuse disorders
12 among our veterans, it was important for us to
13 collaborate not just with the District Attorney and
14 Defense Bar, but also to bring in the V.A. and many
15 private veterans organizations. Our first challenge
16 was to identify veterans, and with the assistance of
17 the Kings County DA's Office, we now have a system
18 where every individual arrested is asked before they
19 appear in court whether they have previous military
20 service. So we have the ability to identify them.

21 Veterans Court meets once a week.
22 Everybody on that calendar is a veteran. That
23 removes the stigma of appearing in a Treatment Court
24 and it provides comradeship. We work with the V.A.
25 to get each participant the benefits to which he or

1 she has earned. And extraordinary number have never
2 sought out their benefits. Don't know whether
3 they're entitled to them, and we have worked with the
4 V.A. and actually through Commissioner Sutton's
5 Office to assist people to upgrade their discharge
6 ranks and get benefits. But we in the Brooklyn
7 Veterans Court will work with anyone with previous
8 military service whatever their discharge status was.

10 We have a Veterans Justice Officer who
11 comes to court every time Veterans Court meets, and
12 she is a marvel at helping resolve many of the issues
13 vets are having. She helped one obtain back rent.
14 He was able to pay off his back rent. So he didn't
15 lose his apartment. She's helped others obtain loans
16 for education, and assisted in housing. The Secret
17 Sauce, as Judge Russell calls it, are the mentors,
18 and every veteran has a mentor. Another vet, who was
19 successfully reintegrated into his civilian life will
20 become a role model. These are not individuals in
21 recovery. These are individuals who are successful
22 in their lives who believe in that veterans culture
23 of giving back to one another. They are all
24 volunteers, and it might be helpful if at some point
25 we have the ability to provide stipends because they

1
2 lay out of pocket to be a big brother to our
3 veterans.

4 The court refers our veteran participants
5 to veteran specific programs, which offer alcohol
6 substance abuse treatment, mental health services,
7 vocation/educational programs and assistance in
8 housing. You mentioned, you know, one of the biggest
9 challenges is finding appropriate mental health
10 services for veterans. There's not a tremendous
11 amount of that available, and if there were some way
12 to increase the availability of services specifically
13 for veterans, that would be extremely helpful. We
14 believe our mission is worthwhile. There is now
15 Veterans Court, as you know in Brooklyn, the Bronx
16 and Queens. I'm told the one in Staten Island is
17 soon to be opened, and another being planned in
18 Manhattan. With me at this hearing are Valerie Raine
19 the Statewide Drug Court Coordinator for the Office
20 of Policy and Planning of OCA and Joseph Madonia the
21 Project Director for the Brooklyn Veterans Treatment
22 Court.

23 In closing, we do not believe the
24 criminal justice system owes veterans a break. We
25 honor their service by not excusing their negative

1 behaviors. But all of us owe them a helping hand in
2 resolving their lives by identifying those veterans
3 whose invisible wounds of war led them to criminal
4 activities. Assessing their needs and providing the
5 treatment and services necessary for them to reach
6 their full potential and successfully their
7 productive law abiding lives. I thank you for
8 listening, and for taking on this important issue.
9

10 JUDGE JOHN MOORE: Good afternoon,
11 Chairman and members of the Council. I would like to
12 thank you very much for inviting me here today to
13 speak about my experience with Veterans Court. My
14 name is John Moore. I'm a Justice of the Supreme
15 Court. I've been a judge for 28 years and, in fact,
16 today is my anniversary. I was sworn in here in
17 another room by Mayor Koch 28 years ago today. So if
18 anybody wants to go celebrate with me later--
19 [laughs] Just kidding. Now, I've presided over a
20 number of specialized courts in my career, juvenile
21 offenders, domestic violence, sex crimes, and child
22 abuse. I currently preside over Drug Treatment,
23 Mental Health, and Veterans Court. And I don't think
24 I could tell you that there's no court I've ever
25 presided over that's been more meaningful to me in my

1 career than Veterans Court. It started about 18
2 months ago in Bronx County. And, because of my
3 assignment to Drug and Mental Health Court, I was on
4 the original committee that helped set up the court
5 and collaborated with, you know, numbers of people
6 including DAs, Defense Bar, the Veterans Association.
7 Our first presiding judge was a jewel. He was
8 Lieutenant-Colonel in the Reserves, and he brought a
9 particular unique ability and skill. Unfortunately,
10 after six months of presiding, he was assigned to his
11 own County of Queens, and he's now in the Civil
12 Division. So I don't believe he presides in the
13 Veterans Court there. At any rate, I took over about
14 a year ago, and in Bronx County we provide services
15 to those people post-indictment. And Jo Ann has, of
16 course, covered many of the areas that I would cover.
17 But I would say it's strikingly similar. Cases are
18 screened from arrest. And individuals arrested in
19 Bronx County are asked by a criminal justice agency
20 have they had prior service in the military. And
21 that information is made available to us. We
22 identify our cases post-indictment, and they are
23 referred to my court where again preside over the
24 different courts of drug treatment and mental health.
25

But like in Brooklyn our Veterans Court is presided over on a separate day. So only veterans are appearing on that day. And those individuals who are identified and who are seeking treatment come to us under a host of different types of cases. We do address the Article 216 cases, which Jo Ann mentioned, which many are within the judge's discretion as to whether or not to take a particular plea and enter somebody in treatment. And the disposition is also at the judge's discretion. We also do those cases that require the DA's consent, but we do all types of cases, the Bronx District Attorney's Office in our borough has the mental health drug expert. So you do not have to have a non-violent crime that you've been indicated for in Bronx County to get the services of Veterans Court. Nor, do you have to be honorably discharged. We provide services for honorably discharged or veterans with benefits through our partnership with the Veterans Association, and our social worker who manages those cases, Ms. Shannon Morris who is here today. And she does a fantastic job of providing veterans with benefits. The multiple services that other speakers have referenced. To those who are not

1
2 getting benefits, our traditional drug and mental
3 health providers step in. And they're tasked to do
4 the work of assigning to the appropriate program
5 whether it be drug treatment, mental health, or a
6 combination of both, and they manage those cases.
7 Our key, as everybody has said here I believe, which
8 distinguishes us from the traditional drug or mental
9 health court is, of course, the participation of our
10 mentors.

11 Our Chief Mentor is here today, Dwayne
12 Gathers, and he's in the back of the room. He's the
13 biggest guy here. You can't miss him. Dwayne
14 provides us and his mentors provides us with a full
15 assessment of how the individual is doing in
16 treatment. As the Chief Mentor, he meets with us in
17 the morning when we go over the cases. He's present
18 with our case managers, our members of the
19 Prosecutor's Office, the Bar and the treatment
20 providers. And the mentors are just an invaluable
21 resource for us. They provide, I think the glue, and
22 they provide the impetus that creates the success.

23 In the year that I've presided in
24 Veterans Courts, and I think for the reasons Jo Ann
25 mentioned as to why veterans are so receptive

1 treatment, we have had no failures. We have had no
2 veteran who has not successfully completed Veterans
3 Court. I've submitted to you a very long detailed
4 paper about how our court works, and I don't want to
5 bore you with all of the details. But we do have a
6 schematic where we review every case when it's on
7 before taking the bench. We have a system of
8 sanctions, carrot and stick approach. But the stick
9 almost never has to be used. And we have gradations
10 of success and graduation ceremonies that are very
11 poignant. I've had situations--I've had situations
12 in Veterans Court presiding over graduations where I
13 can just indicate to you the raw emotion in the
14 courtroom from our officer to the judge to our court
15 reporters to our spectators, it's just unbelievable.
16 Because all of the situations have been described,
17 but what I think is the key thing is what they're
18 thanking us for is their dignity has been restored.
19 And that is what they're looking for. So, of course,
20 our final resolution in most cases is hopefully a
21 dismissal so there is no criminal record. I don't
22 want to belabor it. As I said, I submitted an
23 extensive written statement. But you've asked for I
24 believe certain suggestions, and I just want to ask--
25

1 suggest two to you. And this is based on
2 collaboration with our various mental health lawyers,
3 and prosecutors. They have visited the Family Center
4 for Veterans with multiple services in Rochester, New
5 York. And they consider it a model. It provides a
6 central location, which provides benefits, addressing
7 housing issues, therapy of all sorts, legal issues,
8 family services, vocational services. And it
9 provides a meeting place for the mentors and the
10 veterans who are in the criminal justice system. I'm
11 told it is a tremendous resource for Rochester. I'm
12 not aware we have one in the city. The other area I
13 would suggest would have to be addressed probably by
14 OCA. And I'd better say this very quietly. Our
15 criminal courts are not providing at least in Bronx
16 County--I don't know about Brooklyn. So if you're
17 charged with a misdemeanor, and a lot of our veterans
18 are, we do not have a court in the Bronx that's
19 treating it. And there are many crimes that the
20 veteran answers at the lower level. Intox driving,
21 minor assaults, violations of orders of protection.
22 There are no services for those cases. We provided
23 them when we were in Merge Court. When we demerge,
24 we don't. That is a situation that I guess either
25

OCA or the City has to address, but the State Supreme Court is not addressing it as this time. I thank you. If there are any questions, I'd be glad to--I guess Jo Ann would be glad to--

CHAIRPERSON LANCMAN: I just want to recognize that we've been joined by Council Member Carlos Menchaca who's a member of the Courts and Legal Services Committee, from Brooklyn.

COUNCIL MEMBER COHEN: And I will acknowledge that we were joined earlier by Council Member Wills and now by Council Member Crowley of the Mental Health Committee. And I'm going to-- Council Member Crowley I think had a question.

COUNCIL MEMBER CROWLEY: I'm sorry I wasn't here for the Commissioner's testimony, but I will have a chance to read it and review it. I did have a hearing just next door, but I can tell you how much I--enough how much I support the Veterans Courts. I chair the committee that has oversight on Rikers Island, the Department of Corrections, and still too many of our veterans are winding up on the Island when they really need services for mental health. I think we've come a long way from years ago, but there's still more that we could do

1 together. And that's why I'm grateful that the
2 committee has come together to have this hearing. I
3 want to make sure we prevent the veterans from
4 becoming inmates, and all measure that we can
5 possibly do. Especially, just last year we had a
6 veteran who was--who died. He was kill because of
7 the circumstances in his cell. The heat was too
8 high, and he really was an alcoholic suffering from
9 schizophrenia, and bipolar disorder. We found out
10 later, but he didn't break any real law. He was just
11 sleeping in a hallway of a public housing building.
12 It was trespassing, but he didn't commit a violent
13 crime, and he is one of many. We fount out about him
14 because he died, but there are many like him. So
15 however we can partner to make sure that this court
16 reaches the boroughs that it's not currently
17 reaching. And I know that you said earlier you come
18 in after the indictment, but does that prevent
19 somebody from going on the Island? Like how can we
20 do more together to prevent anyone who wasn't accused
21 of committing a violent crime from ending up on
22 Rikers Island? That's the basic question.

24 JUDGE JO ANN FERDINAND: [off mic] Well,
25 I think that one of the-- [on mic] One of the key

issues is whether the Treatment Court is in Supreme Court or also in the Misdemeanor Court, and in Brooklyn, I do take misdemeanors as well as felonies. But identifying the appropriate cases is an issue. As I said, even though we ask that question, not everybody answers it. Very often if it's a low level misdemeanor it gets resolved at arraignment rather than having the case come to Veterans Court. And you do have to recognize that the model of court supervised treatment means that if you fail to comply there are sanctions, which may include jail. So when you're talking about low level misdemeanors, the incentive to become a part of the Veterans Treatment Court is a little less great on the part of the veteran. Where they're actually facing serious charges, there's a motivation to participate, and a great result at the end because you can dismiss their case. And we also believe the Brooklyn District Attorney supports the dismissal of charges because that way an individual is not saddled with a criminal record when they are seeking work. But, the lack of services for, you know, the vast number of people with those mental health issues who are committing

those low level misdemeanor crimes is why they end up
at Rikers Island.

COUNCIL MEMBER CROWLEY: Did-- Sort of a
follow-up question. The Mayor put together a task
force last year under the Criminal Justice
Coordinator, and Deputy Mayor of Health and Human
Services. And that meant to look at a lot of--about
300 people who cycle in and out, and how to better
serve them. Were you part of that task force? Do
you believe that?

JUDGE JO ANN FERDINAND: No, I was not.
I wasn't part of the task force. I am aware of its
existence, but I don't know how it's working out in
Brooklyn.

COUNCIL MEMBER CROWLEY: One of the
recommendations was to build housing, permanent
housing for this population. And just to-- You
know, I--I just want to make sure that all of our
agencies are working together, and enough funding is
allocated so that your program can expand and grow,
and that we really can help serve the veterans. So
they're not cycling in and out of the jail.

JUDGE JO ANN FERDINAND: And
homelessness, as you know, in additional to mental

health services is the next big challenge for them is
shelter.

JUDGE JOHN MOORE: When a veteran comes
to us homeless and needs mental health or drug
treatment, usually our first step is to put them into
an in-patient program for obvious reasons, but then
the housing issues are addressed by the various
social workers work with them. And by the end of our
treatment plan, we usually accomplish something
there. I just want to expand a little bit on what Jo
Ann said when she's talking about the model, and why
sometimes lawyers who represent people who may be
veterans may not want to opt for this in criminal
court. The model is 12 to 24 months or 18 to 24
months of treatment, which is a significant
investment by an individual. And many of these cases
would or can be dealt with compassionately if the
judge is made aware. And we do--I take misdemeanors
on judge's referring. If a criminal court judge
identifies a case that he or she thinks is serious
from time to time, then we take the case, but it's
not as good a system as if there was a defined court
in Bronx Criminal Court dealing with veterans. And I
think that's what we need to--

COUNCIL MEMBER CROWLEY: Okay, well, we
have our work. Thank you.

CHAIRPERSON COHEN: Thank you for your
testimony. I just wanted to acknowledge how
fortunate as a Bronx Council Member and a former Law
Secretary in Bronx Supreme Court how fortunate I
think that the people are in the Bronx to have you
sitting in the Veterans Court.

JUDGE JOHN MOORE: Thank you, Mr. Cohen.

CHAIRPERSON COHEN: I appreciate that.
Thank you very much.

JUDGE JOHN MOORE: Thank you.

CHAIRPERSON ULRICH: Oh, no you can't--
you can go there.

JUDGE JO ANN FERDINAND: Why we can't go
there?

CHAIRPERSON COHEN: I had a quick
question.

JUDGE JOHN MOORE: Do not approach the
bench.

CHAIRPERSON COHEN: You've been dying to
say that, haven't you?

JUDGE JO ANN FERDINAND: Yeah, I'm used
to being the one who decides.

CHAIRPERSON LANCMAN: Good afternoon, and thank you for your testimony and for the work that you do with our--with our vets. And you touched on the--some of the problems that the vets that you see come before you have. And we all know that among the veteran population, homelessness, unemployment, drug abuse, mental health are higher than what we see in the general population. Is it--is it fair to say that the vets that you see also have this--these same kinds of problems? It's not just mental health and substance issues. You mentioned homelessness. I mean that the vets coming before you also have unemployment issues, that they might have serious family issues?

JUDGE JOHN MOORE: Yes, absolutely.

JUDGE JO ANN FERDINAND: Absolutely. All of those.

JUDGE JOHN MOORE: All of those things, and the mentors are great at identifying some of those issues if we don't because they're working closely with the individual. And so, we, too, try to address that. I mean the predominant thing is PTSD and TDI and the mental health area or more serious issues that are Axis 1 disorders. And drug

treatment, but there are a whole number of things.
We have people in Gamblers Anonymous. We monitor it.
That's their problem.

CHAIRPERSON LANCMAN: So let me ask you
who is in the courtroom typically? You've got the
defendant. You've got the judge. You've got the DA.
The defendant's got a lawyer. I've heard different
people being in the courtroom--

JUDGE JOHN MOORE: The Mentor stands in
our court with the defendant when the case is called.

CHAIRPERSON LANCMAN: The Mentor?

JUDGE JOHN MOORE: The mentor is in the
courtroom. The Chief Mentor is at the morning
meeting prior to cases being called, and as each case
is called, the Mentor who is assisting that
individual stands with them, and the--

CHAIRPERSON LANCMAN: [interposing] And
the Mentor is a volunteer?

JUDGE JO ANN FERDINAND: Yes.

JUDGE JOHN MOORE: The Mentors are all
volunteers.

CHAIRPERSON LANCMAN: From the VA or from
the Veterans Organization, or where do you get the
mentors from?

JUDGE JO ANN FERDINAND: Judge Brenna,
who is the--my Co-Presiding Judge in the Veterans
Treatment Court solicits them through all of the
veterans organizations that he goes to. We also have
a Veterans Mentor Coordinator, who works with--she's
also a veteran and she works with veteran service
organizations to try to identify veterans who are
willing to come. I mean one of the challenges,
because they're volunteers. They have to be trained.
So they have to commit to coming to court for
training. They then--they are connected to a veteran
and we do that through in many ways. We don't have a
single coordinator so we'll have a meet and greet
session or on Veterans Day or Memorial Day we'll have
a service in the court. And have the veterans and
the potential mentors kind of meet each other. And
we'll see who gravitates to one another. And then
it's up to them how often they connect to one
another, and speak and we ask them to come to court.
But because many of them are working, they can't
always be there on every court date. But they make
an effort to be there on the court date. The other
people in court are the Veterans Justice Officer.
And I believe my court has a Case Management Team.

1
2 So it's a social worker, who specializes in our
3 veterans who makes the referrals to the various
4 treatment providers who follows up on reporting their
5 attendance, their drug use. And that person also
6 appears in court with a report from the various
7 treatment providers.

8 CHAIRPERSON LANCMAN: And the Treatment
9 Team, these are OCA employees?

10 JUDGE JOHN MOORE: I would--

11 JUDGE JO ANN FERDINAND: [interposing]
12 Some yes. Some no.

13 JUDGE JOHN MOORE: Some yes. Some yes.
14 I use a multiple faceted service. So as I said
15 before for those people with benefits, our social
16 worker from the Veterans Administration handles those
17 cases. And some of our mental health cases that they
18 can't handle are handled by a group called Task
19 Mental Health. They're in many boroughs. That
20 representative is there. Our drug treatment staff
21 are there, and the OCA employees. Those are six
22 clinicians. All of these people do not provide
23 treatment. They're case managers. They are the ones
24 who decided based on their expertise. We have
25 psychiatrists, psychologists, social workers. They

1
2 decide the treatment plan. They decide where the
3 person should be placed in treatment, and they do
4 crisis management and intervention

5 CHAIRPERSON LANCMAN: [interposing] And
6 they are OCA employees or they're contracted?

7 JUDGE JOHN MOORE: As we said, a third of
8 them are? We have three different groups that
9 provide. So six of them are and Task Mental Health,
10 although they're in Bronx County everyday, they're an
11 outside group, they're there the Veterans
12 Administration--

13 CHAIRPERSON LANCMAN: And the mentors--

14 JUDGE JO ANN FERDINAND: [interposing]
15 And they are primarily court employees or individuals
16 who we've--we've received several grants from the
17 federal government to create the model. And some of
18 them are employees on a grant, which will end in a
19 year or two.

20 CHAIRPERSON LANCMAN: And the mentors, I
21 mean are you--is it a problem getting the quantity
22 and the quality. I hate to use the word quality,
23 because it has a connotation to it, but they need to
24 be trained. They need to be able to do what they
25 need to do. Is it a challenge getting that--getting

1
2 that from the mentors--getting the mentors that you
3 need?

4 JUDGE JO ANN FERDINAND: It's a challenge
5 but it--but if you have somebody who constantly does
6 outreach, they are out there. Veterans really do
7 believe in giving back to one another.

8 CHAIRPERSON LANCMAN: Is there something
9 that city could do because the one player I haven't
10 heard in the conversation is the City of New York.
11 You've got OCA, which is a State entity. You've got
12 the VA. What--is there something that you could see--
13 -envision the city contributing more to the Veterans
14 Court that maybe it's not doing right now?

15 JUDGE JO ANN FERDINAND: Well, I think as
16 part of Commissioner Sutton's field they could do--
17 they do and have done outreach for us on an informal
18 basis, but they could do outreach for mentors on a
19 more formal basis.

20 CHAIRPERSON LANCMAN: Maybe supporting a
21 mentor program?

22 JUDGE JO ANN FERDINAND: Absolutely. I
23 mean they--

24 CHAIRPERSON LANCMAN: They coordinate.
25

JUDGE JO ANN FERDINAND: Right. They
could do--

JUDGE JOHN MOORE: [interposing] The--the
mentors are spend their own money.

JUDGE JO ANN FERDINAND: They could do
some of the training.

JUDGE JOHN MOORE: They present a
ceremonial coin when people graduate. We provide the
certificates of graduation, but I think our funding
is mostly state and federal. You know, all our
mental health stuff is mostly federal. I--I think a
veteran center for the city would be a great start,
but--

CHAIRPERSON LANCMAN: You think what?

JUDGE JOHN MOORE: Yeah, I mentioned
earlier in my comments in Rochester there's veterans
center, and it provides a-- It's a single place,
wraparound services for veterans, and you don't have
to be connected to a criminal case. They provide
housing, legal services, family services.

CHAIRPERSON LANCMAN: So, you know, we
have a model--

JUDGE JOHN MOORE: [interposing] We do.

CHAIRPERSON LANCMAN: --for that here in
New York City. It's the Family Justice Centers where
people can go and get the whole host of services that
they might need--

JUDGE JOHN MOORE: [interposing] Right.

CHAIRPERSON LANCMAN: --because their
interaction with the criminal justice system in that
case not really defendants. But nonetheless, if
someone is presenting to you, there's a good chance
that they've got a housing issue or-- It may not
apply to Veterans Court or immigration issue or a
family law issue, or et cetera, et cetera, et cetera.
In that vain and my last line of questioning is so if
you've got a veteran, and he has a mental health
issue. Maybe it's not enough that he would be sent
to an in-patient treatment. And he's homeless and/or
unemployed, and/or has some kind of domestic
situation, where do you refer that veteran to?

JUDGE JO ANN FERDINAND: Well, we--

JUDGE JOHN MOORE: [interposing] Shelters
in the beginning as a stop gap and then, you know,
they get on it as the person is integrated in the
system to provide a whole host of different services.

1
2 JUDGE JO ANN FERDINAND: There's an
3 individualized treatment plan for each person because
4 each person comes with some combination of those
5 issues. So if they're homeless, clearly they need to
6 be a residential setting. And if they're homeless
7 and have a mental health issue, then they need a
8 residential program that provides mental health
9 services. I mean our goal is to provide veterans
10 with-- And there are several residential veteran
11 treatment programs in New York City. And there are
12 also outpatient treatment programs, and there are vet
13 centers that they go to. I think there are also, and
14 I'm sure they're here, a lot of private
15 organizations, veterans organizations that do this
16 kind of work that we refer people to.

17 CHAIRPERSON LANCMAN: Let me just ask a
18 question--

19 JUDGE JO ANN FERDINAND: [interposing]
20 Finding those--find those services is a full-time
21 job.

22 CHAIRPERSON LANCMAN: Is it--is it a
23 prerequisite to have a mental health or a substance
24 abuse issue to be in Veterans Court? What if you
25 don't?

JUDGE JO ANN FERDINAND: You have to
have--

CHAIRPERSON LANCMAN: [interposing] You
have to have--

JUDGE JO ANN FERDINAND: The crime has to
be the product of either substance abuse, mental
health or some issue that arose from your military
service.

JUDGE JOHN MOORE: [interposing] Yeah,
if you possess a gun, but you don't have any of these
issues, your option is to perhaps through your
defense attorney advocate for your client. But if we
don't have a service to provide-- But I think you've
hit on something important when you--

CHAIRPERSON LANCMAN: [interposing] But
being homeless is not enough or being...(CROSS-TALK)

JUDGE JOHN MOORE: No.

CHAIRPERSON LANCMAN: --unemployed is not
enough.

JUDGE JOHN MOORE: Unemployment is not
enough. It might not necessarily be enough, but I
think you hit on something very important because our
mental health agency, not the Veterans, they can
treat the full panorama of a veteran's issue. But

1
2 for those who don't have benefits, the funding for
3 our mental health agency is basically Axis 1
4 Disorders. That's bi-polar, schizophrenia, and major
5 depression. What your veteran is usually suffering
6 from is PTSD, and I've had to push our mental health
7 provider to open the door for this. That's where we
8 need funding. All right. Their funding is at the
9 higher level of serious mental disorder. Not to say
10 PTSD isn't because that's what I say to the mental
11 health providers, Well, if you're going to partner
12 with Veterans Court, this is what you have to treat.
13 I think we need more resources in that area.

14 JUDGE JO ANN FERDINAND: I just--it's
15 unlikely you have a homeless veteran who doesn't have
16 some other issue, whether it's alcohol abuse or
17 mental health issues. If you have a veteran who
18 keeps losing their job, they probably have some PTSD
19 issues that are leading them to avoidance, aggressive
20 behavior. It really requires assessment to see what
21 services somebody needs, and in our court before we
22 turn somebody away, we will do-- And often the
23 District Attorney where it's a violent crime says
24 assess them first. And if they--if during that
25 assessment there are mental health issue, there are

1
2 post-traumatic stress disorder, there are aggression
3 that contributed to the criminal behavior, and there
4 are services we can provide, they will be accepted as
5 part of the Veterans Court

6 CHAIRPERSON LANCMAN: Great. And my--my
7 last question. Are you--when you're referring a
8 veteran to a different service provider, are you
9 working off of some kind of centralized OCA list or
10 it's just, you know, who you happen to have worked
11 with in the past and think they do a good job?

12 JUDGE JOHN MOORE: Our case managers
13 whether it be the Veterans Association, our own OCA
14 or drug clinical people and the Task Force [sic] on
15 mental health have a group of programs that they
16 use. And that they have determined are quality
17 assured. And those things--that list changes from
18 time to time. We've had experiences with certain
19 programs that we don't like, but it's not like OCA
20 provides that list. It is our case managers who
21 determine based on their long experience in drug,
22 mental health or any other treatment. What are the
23 best programs to suit the individual needs. And as I
24 say, we add programs. From time to time programs
25 come to us, and announce, We're here. Try us out.

JUDGE JO ANN FERDINAND: It requires constant outreach by the clinical staff to find appropriate programs, and on occasion when none exists, and we have done this in the past we'll partner with a program to seek federal funding. And we've done this for the veterans to create a veteran specific component of an existing treatment program.

CHAIRPERSON LANCMAN: Well, thanks very much. Let me also acknowledge that we've been joined by Council Ben Kallos a member of the Committee and Courts and Legal Services from Manhattan.

CHAIRPERSON COHEN: We are also joined by Council Member Corey Johnson, the Chair of the Health Committee.

CHAIRPERSON ULRICH: And I know the judges have a busy--

JUDGE JO ANN FERDINAND: I'm afraid to leave.

CHAIRPERSON ULRICH: No, no, I know the judges have a busy schedule, and we really, really sincerely appreciate you being here today. We have one more council member who will ask some questions. So if you will indulge us for just another five or

1
2 ten minutes tops. And then you can retire from the
3 chamber. [laughter]

4 COUNCIL MEMBER VALLONE: Well, in my life
5 prior to a council member I was a practicing attorney
6 who spent my days in the court. So I know how hard
7 it was for you to get here, and how appreciative we
8 are of your advice. Because these committees are
9 only as good as those who come to testify. And the
10 veterans and the groups that are behind you are very
11 thankful for your guidance. It seems to me, and I
12 know the world of judges is very complicated, that
13 you've got your hands trying to do the best you can
14 with really not all the resources you can have. I
15 mean there are so many different players involved
16 from the federal, state and local, OCA, bar
17 associations, district attorneys, veterans groups,
18 and you've managed to create something that really
19 could be a template for all of our counties and our
20 cities. So that might be something we need your help
21 to create, a uniform court that can address-- You
22 also said something I was a little--I don't
23 necessarily was comfortable with post-indictment. Is
24 there a way that we can address misdemeanors,

1 felonies, veterans who are coming pre-indictment to
2 have--

3
4 JUDGE JO ANN FERDINAND: [interposing]

5 Well, we--we--you know, the--because every county has
6 a different district attorney, the prosecutorial
7 policy in every county is different. And the crimes
8 in every county are different. And the issues in
9 every county, the issues of importance. In Brooklyn,
10 we do have--our model takes people the day after
11 you're arrested-- At your very first appearance in
12 criminal court if you are eligible under the--because
13 of the crime and your previous criminal record, you
14 are eligible for referral. And you must be referred
15 to the Treatment Court. So probably 80% of my cases
16 are pre-indictment pleas to felonies.

17 COUNCIL MEMBER VALLONE: Okay.

18 JUDGE JO ANN FERDINAND: And then the
19 rest of them are misdemeanor pleas. So we do take--
20 we do take misdemeanors. But as I was saying--

21 COUNCIL MEMBER VALLONE: [interposing]

22 But that's just in Brooklyn?

23 JUDGE JO ANN FERDINAND: That's just
24 Brooklyn, and the lowest level misdemeanors don't--
25 Even though we have wonderful services, we don't keep

1
2 them for--we only keep them for eight to twelve
3 months if it's a misdemeanor. But that's still
4 longer than what's going to happen to them if they
5 opt out, and they resolve their case in criminal
6 court. So they don't have an incentive to
7 participate.

8 COUNCIL MEMBER VALLONE: So then, how do
9 we make your system better?

10 JUDGE JO ANN FERDINAND: Well, we still--
11 we need--still need a better ability to identify. I
12 mean even though we have this question that's asked,
13 it's always a challenge for-- How many people even
14 know that there is a Veterans Treatment Court
15 available? So we're constantly trying to educate
16 that it's available so that lawyers will ask for it.
17 So that veterans will be willing to come to it. So
18 one is that constant outreach, and the more services
19 you have, the more successful outcomes.

20 COUNCIL MEMBER VALLONE: Sounds like a
21 coordination of services like that one-stop shopping
22 we always talk about in the way that the veterans
23 need is something we can help with--

24 JUDGE JO ANN FERDINAND: [interposing]
25 Absolutely.

1

2

COUNCIL MEMBER VALLONE: --in

3

coordinating. We have great chairs here who are

4

going to help you do that. You mentioned a federal

5

grant that put this case management team together.

6

Is that the way you were able to provide the social

7

worker and the folks that are in the courtroom or--?

8

JUDGE JO ANN FERDINAND: My grant writer

9

just said yes.

10

COUNCIL MEMBER VALLONE: Good. We like

11

grant writers. They get us all the things we need.

12

So that's expiring, I guess? So it might be

13

something we'll--

14

JUDGE JO ANN FERDINAND: I think we have

15

another--another year to go? Oh, it expires in

16

September. See, I try not to think about that.

17

COUNCIL MEMBER VALLONE: Yeah and--and--

18

yeah, how much is it, if we may, because there are

19

things we want to maybe try to help either supplement

20

or in addition. How much was the grant for, and what

21

are they able to provide in their courtroom?

22

JUDGE JO ANN FERDINAND: It allowed us to

23

provide this mentor coordinator who's the person who

24

goes out and gets us mentors, and a special--a

25

special veteran's case manager, and some money to a

treatment provider to provide specialize veteran's
services. And I think it was a two-year plan?

[pause]

JUDGE JO ANN FERDINAND: A three-year
grant of \$500,000.

COUNCIL MEMBER VALLONE: Well, you've got
a great new commissioner sitting right behind you.

[laughs] So you're going to have to work with her to
try and include this into the budget. But thank you
very much both of the judges. I appreciate it so
much.

CHAIRPERSON ULRICH: Judges, thank you so
much for being here today, and as Rory mentioned
earlier, we had the opportunity to observe the
Veterans Treatment Courts in Queens County who Judge
Hirsch could not be here today, but she runs a
phenomenal program in that courthouse. And we're
very fortunate to have her, and you working on behalf
of the veterans in New York City. So thank you for
coming. And thank you.

JUDGE JO ANN FERDINAND: Thank you.

JUDGE JOHN MOORE: Thank you. Thank you.

CHAIRPERSON ULRICH: Thank you. The next
panel is consisting of a friend and former colleague

1 the Manhattan Borough President Gale Brewer. We're
2 thrilled that Gale is here to testify, and also
3 testifying on the panel we will have a representative
4 from Public Advocate Letitia James' Office is Oswaldo
5 Pereira [sic]. So I'd ask those two to come forward.
6 And for the clerk to administer the oath.

7
8 CLERK: Can you raise your right hand,
9 please? Do you affirm to tell the truth, the whole
10 truth, and nothing but the truth in your testimony
11 before this committee, and to respond honestly to
12 Council Member questions?

13 GALE BREWER: Yes.

14 WALDO PEREIRA: I do.

15 CHAIRPERSON ULRICH: Madam Borough
16 President, please.

17 GALE BREWER: Thank you very much. I am
18 Gale Brewer. I am the Manhattan Borough President,
19 and I want to thank Chairs Ulrich, Lancman, Chair
20 Cohen, and I know that Council Member Vallone is
21 here, and other members of the Committees on Courts
22 and Legal Services and Veterans and Mental Health.
23 And it's really been an honor to be here today. As I
24 think Council Member Ulrich knows that my husband is
25 a Vietnam Vet. So I'm quite familiar with some of

1
2 these issues. We are very appreciate of the work of
3 Commissioner Sutton having had some forums with her
4 and her staff on issues of veterans. And we just
5 recently wrote a letter to the courts asking, as you
6 know, that Manhattan should have a Veterans Court. I
7 feel very, very strongly about it. So I believe all
8 of us as elected officials, as citizens, as a society
9 we all owe a deep debt to those who have served in
10 our military regardless of whether they have served
11 in war or simply been prepared to do so. And when
12 our veterans find themselves facing criminal charges
13 or even mental health issues, as was articulated
14 earlier, we absolutely should provide them with a
15 second change and the resources they need to turn
16 their lives around.

17 There are more than 100 Veteran Treatment
18 or Diversion Courts in the United States. I think
19 the first was actually in Buffalo in 2008. Although
20 denominated as a separate court, and I think you know
21 better than I, it is, in fact, a program in Buffalo
22 anyway administered by the criminal court system
23 presided over by a judge with special training in
24 veterans issues, and we just heard from two
25 phenomenal judges. In contrast to most of the court

1 system, the dockets are small and manageable. I
2 understand that these courts, which have been
3 functioning in everywhere but Manhattan, although I
4 know Staten Island has been up and going. But there
5 have been-- The other three in the other three
6 boroughs since 2009, and I've heard-- You've seen
7 the tremendous success. So I'm here to advocate
8 very, very strongly for the establishment of such a
9 court in Manhattan, and to commit myself and my
10 office to do whatever we need to to make that happen.
11 From a number of studies, we have some idea of how
12 many of our veterans get into trouble, find
13 themselves facing charges stemming from deviant
14 behavior, substance abuse and other challenges.
15 Among the causes both PSD, as we know, PTSD,
16 Traumatic Brain Injury, which has become epidemic
17 particularly among Iraq and Afghan vets. And they're
18 known to cause erratic and violent mood swings.
19 These conditions frequently lead to self-medication
20 through drugs and alcohol. Another factor that could
21 lead to anti-social behavior and sometimes
22 unfortunately criminal behavior.

23
24 Even where violence has poisoned the
25 personality of these veterans, treatment can

1 completely turn the situation around. Whereas,
2 incarceration exacerbates these conditions, further
3 destabilizing the lives of veterans. More
4 importantly, their families and creating risk for
5 society at large. This cascading pattern of illness
6 and abuse and violence appears to be depressingly
7 common. And I was saddened to learn that some
8 veterans advocacy organizations have chapters of
9 people who are incarcerated within the jail and
10 prison systems. A substantial number of our veterans
11 now return from service suffering from PTDS and TBI,
12 as you know. A Rand Study found that at least 20% of
13 Iraq and Afghanistan vets suffer from PTSD, and a
14 significant number of others are suffering from TBI.

15
16 Regarding the prevalence of PTSD, another
17 study found that among male and female soldiers ages
18 18 or older returning from Iran--from Iraq and
19 Afghanistan, rates range from 9% shortly after
20 returning from deployment to 31% after deployment.
21 The same study found that Vietnam vets, an older
22 cohort as I know only too well, reported lifetime
23 rates of PTSD ranging from 10% to 30%. Other studies
24 have shown that only 50% of those suffering from PTSD
25 ever seek treatment. And of those who do, only half

1
2 receive minimally adequate help. As of the last
3 census, there were 224,000 veterans living in the
4 City of New York. So we know that there are
5 thousands of unidentified vets suffering as a result
6 of their service. When that suffering leads to
7 commit crimes, we see such acts as an opportunity to
8 be of assistance to them, their families, and society
9 by treatment, not punishment.

10 The prognosis for an incarcerated veteran
11 with mental health and substance abuse is dire
12 whereas a veteran who embarks on treatment and
13 counseling as you can imagine is not only beginning
14 to heal, but taking the first step to fully re-enter
15 society and become a productive member of our
16 community. So we must do more to identify veterans
17 who need the life affirming intervention programs
18 like this as early as possible. So we don't end up
19 in the criminal justice system. I think you all know
20 that. So there's agreement in the veterans and
21 criminal justice communities that these treatment
22 courts are the best possible government role for
23 veterans. And there are two key components. One,
24 and you heard earlier about these amazing trained
25 mentors who are veterans themselves, and can more

1 readily establish bonds of empathy with their
2 buddies. With an accused veteran to communicate
3 about his or her issues based on shared experience of
4 being a buddy. The work of these veterans, as
5 mentors, appears to be more effective than even that
6 of social workers or health professionals, but you
7 all need both. And in the courts, in the Veteran
8 Courts, a judge routinely thanks the accused for
9 their service, recognition of a person's
10 contributions or human value is rare in our criminal
11 justice system, but tremendously important in
12 building self-esteem and trust between the court
13 program and the accused. Each of us knows that when
14 an individual recognizes and accepts their human
15 value, they are much more likely to be successful in
16 changing their life for the better. So in addition
17 to the offer of treatment in lieu of possible jail
18 time, the accused is offered through this amazing
19 mentor program assistance accessing the benefits, all
20 the issues that are important regarding housing and
21 help for the entire family.

23 Clearly, these courts are successful, and
24 I am anxious to see the program up and running in my
25 borough. It is clear that the Veterans Courts work

1 because of the commitment to succeed by all parties.
2 The judge, the court personnel, the defense bar, the
3 DA, must all be dedicated to helping the defendant
4 seize a second change and change his or her life. I
5 know that we have dedicated stakeholders in
6 Manhattan. We certainly have some of the finest
7 judges, a very terrific and honorable district
8 attorney, and a bright and dedicated defense bar.
9 There is nothing that should stand in the way of
10 establishment of a Veterans Court in Manhattan. And
11 I am particularly delighted and encouraged by the
12 statement of support for such a court by District
13 Attorney Cy Vance. And we look forward to working
14 with him to make the Manhattan Veterans Court a
15 reality. So on behalf of all veterans who reside in
16 Manhattan, and actually all Manhattanites, I look
17 forward to the Council for--look forward to working
18 with the Council for our--for its continuing support
19 of all the Veterans Courts and for the creation of
20 another one in Manhattan. Thank you very much.

22 CHAIRPERSON ULRICH: Thank you Madam
23 Borough President, and certainly the veterans
24 residing on the Island of Manhattan and their
25 families could not ask for a stronger advocate. And

1 we thank you for being here today. And for the
2 record, I would like to read the statement that we
3 did receive from the District Attorney of New York
4 County, Mr. Cy Vance. He says, "Our nation owes a
5 debt and much gratitude to our veterans. As I have
6 public stated before, I fully support any initiative
7 by the Office of Court Administration, OCA, to create
8 a full fledged Veterans Treatment Court in Manhattan.
9 Last fall, senior members of my office met with
10 representatives of the Veterans Administration to
11 express our support for a Veterans Court. I welcome
12 the opportunity to partner with OCA on the is
13 important initiative. So I just--I wanted everyone
14 to know that that has also been entered onto the
15 record.

16
17 GALE BREWER: Thank you very much.

18 CHAIRPERSON ULRICH: Thank you. We'll
19 hear from the representative from Tish James' office.
20 Thank you for being here and turn on the mic.

21 OSWALDO PEREIRA: My name is [clears
22 throat] Oswaldo Pereira. I'm a U.S. Army Veteran.
23 In the years 2006 through 2007, I served in the U.S.
24 Army as a combat medic. At that time I did two tours
25 to Iraq first in 2007 to Mosul and in 2009 I met in

1 Southern Iraq, Al Majal Qatar [sic]. I will be
2 representing the Public Advocate Letitia James today.
3 I would like to thank City Council Members Ulrich,
4 Cohen, and Lancman as well as their respective
5 committees for holding today's hearing to evaluate
6 the city's Veteran Treatment Courts. I'm here today
7 because Manhattan is the only borough without a
8 dedicated Veterans Treatment Court with the exception
9 of boroughs currently in the planning stages. Judge
10 Robert Russell the Presiding Judge of Buffalo Drug
11 Court and Buffalo Mental Health Court created the
12 nation's first Veterans Treatment Courts in January
13 of 2008. In response to the growing number of
14 veterans appearing before his dockets who were
15 addicted to drugs, alcohol, and/or suffering from
16 mental illnesses.

17
18 Approximately one year ago on February
19 15, 2014, six years after the creation of the first
20 Veterans Treatment Court, Jerome Murdough, a Marine
21 Corps veteran died while baking in 101-degree jail
22 cell on Rikers Island. Cause of death according to
23 the Medical Examiner's Office: Environmentally
24 caused hypothermia. Basically, his body over-heated
25 because of the critical exposure to heat over a

1
2 prolong period of time. His crime? A misdemeanor
3 trespassing charge, and an inability to post a \$2,500
4 bond for jail. Murdough, a Marine Corps veteran,
5 suffered from bipolar disorder and schizophrenia.
6 The prescribed medication that he was taking impeded
7 his body's ability to-- for thermal regulation. In
8 other words, he was more sensitive to heat than
9 others. This is why Murdough was placed in the
10 Mental Health Unit so that he could be under constant
11 observation. And this is where he died because no
12 one was around to observe him as his internal organs
13 failed him under the burden of 101-degree jail cell.
14 It goes without saying, but it must be said, Jerome
15 Murdough did not deserve to die. This tragedy could
16 have and should have been averted. Veterans
17 Treatment Courts follow the Drug Court model, a model
18 that favors treatment over prison. In these courts
19 Veterans receive access to specialized programs and
20 services designed to get them back on track. All the
21 while holding them accountable for their actions.

22 The veterans when compared to the general
23 civilian population because of their involvement in
24 combat are more likely to develop mental health issue
25 such as traumatic brain injuries, post-traumatic

stress disorder, and depression just to name a few.
Thirty percent of Vietnam and 20% of Iraq and/or
Afghanistan veterans suffer from combat related PTSD.
Twenty-three percent of women veterans report having
been sexually assaulted and report suffering from
MST, Military Sexual Trauma. More than half of
service members report abusing alcohol, and more than
11% of report misusing prescription medication.
These men and women volunteer to serve their nation.
The volunteer to protect us from tyranny and terror.
They bravely don military fatigue uniforms and
operate in conditions that we can never imagine.
They fought for us. Let's return the favor. Let's
give them a fighting chance.

Research suggests that traditional
community service may not adequately--may not be
adequately suited to meet the needs of veterans in
the criminal justice system. Veterans Treatment
Courts in Other Boroughs and cities across the nation
proven their effectiveness. Veterans Treatment
Courts have on countless occasion-rehabilitated
veterans and placed them in direct contact with the
VA services. And in many cases with specially
appointed veteran volunteer mentors. Had Jerome

Murdough been arrested in a neighboring county with a Veterans Treatment Court, he would not--he would have received the help necessary to combat his alcoholism, mental health issues, and his state of homelessness. But as we know, that just wasn't the case. After meeting with, and hearing from many veterans and veteran associations concerning Mr. Murdough's case, Public Advocate Letitia James wrote to Honorable Jonathan Lippman Chief Judge of the State of New York to request a State Unified Court Systems reassess the feasibility of erecting a Veterans Treatment Court in Manhattan. She also recommended the system submit an application for funding to Veterans Treatment Court Planning Initiative, which is designed to assist jurisdictions, and planning and development of Veterans Treatment Court programs throughout our city. From her understanding, the only barrier to opening such a court in Manhattan is funding for the staff. This is why she will be reaching out to the Office of Manhattan District Attorney Cyrus Vance to inquire if any settlement monies that have come to the State of New York could be used to fund staffing. In addition to Veterans Treatment Court Planning Initiative, her letter referenced the United States

1
2 Borough of Justice Assistance, which in Fiscal Year
3 2013 issued \$2.5 million in grants for these courts.
4 The New York State Health Foundation has given the
5 funding to train court personnel. [bell] [coughs]
6 Thank you again for holding this hearing. She will be
7 continuing her work in getting Veterans Treatment
8 Court in Manhattan.

9 CHAIRPERSON ULRICH: Thank you, Mr.
10 Pereira for your service to our country first and
11 foremost. We are honored that you're here today to
12 testify on behalf of our Public Advocate. Not only
13 do we appreciate everything that you've done for our
14 country, but the example that you've set for other
15 veterans to be here today I think is very
16 commendable. So I know my Co-Chair Council Member
17 Lancman has a few words or questions, and then we'll
18 move onto the next panel.

19 CHAIRPERSON LANCMAN: Good afternoon,
20 Madam Borough President. Thank you for being here,
21 Pereira. Thank you so much for your service to our
22 country. The one piece of advice that I got when I
23 signed up for the Army was not to volunteer for
24 anything. [laughter] So the second piece of advice
25 I might have gotten was maybe don't show up at a City

1
2 Council hearing to testify because you might get
3 volunteered for something. What advice, if any,
4 could you give us, and maybe the Public Advocate's
5 Office would be able to lend you out to support the
6 effort to get more mentors to be available to go
7 through the training, and be a part of our Veterans
8 Courts. Because I think we heard from the judges
9 that that's a critical component to making the
10 Veterans Courts successful, and to provide the
11 veterans who are going through system with mentors.
12 But it's an enormous challenge because people, you
13 know, (clears throat) have everyday lives, and they've
14 got to go for training, and they've got to show up in
15 court and they've got to stick through it. So, do
16 you have any thoughts on that?

17 OSWALDO PEREIRA: Well, speaking on
18 behalf of myself and not the Public Advocate I just
19 saw a general educational outreach before I began
20 servicing, working with the new officer. Many of
21 these programs I just never heard of them. I didn't
22 know anything. I once was given a misdemeanor charge
23 for reckless driving because the wheels on the back
24 of my vehicle--it's a rear-wheel drive vehicle, and
25 they spun. And I was charged for basically doing a

1
2 burnout, which that was interpretation. And I didn't
3 realize Evidence Courts were available to me. I just
4 didn't know.

5 CHAIRPERSON ULRICH: Thanks.

6 GALE BREWER: I want to add we had with
7 the Commissioner a Women's Veterans program with a
8 lot of students from CUNY and Columbia and NYU had
9 some programs, too. The lack of information is
10 because partly people returning from any of the five
11 services we don't know when they're coming back. We
12 have no way at this point determining when a person
13 is returning to New York City. And I know that the
14 Commissioner is working on that. If we did, then we
15 could say these are the services that New York
16 offers. So we're working on that. We've actually
17 written to the services just putting some pressure on
18 them stating we'd like to know because you don't hit
19 people. When they come back, they may not know. And
20 the second issue is I would reach out more to the
21 colleges. I mean the universities, CUNY in
22 particular have phenomenal programs. A lot of the
23 students there have to work and go to school to
24 support themselves. So maybe the answer to your
25 question might be some small stipend. But the fact

1
2 of the matter is they are getting unbelievable
3 training, and that might be a place to have more
4 consistent community service with some kind of
5 stipend. Because the young people who are in these
6 universities-- I meet a lot with John Jay and
7 Columbia, and they're phenomenal. They're--with all
8 due respect, grown ups, returning students and could
9 perhaps be phenomenal mentors. Okay. Thank you.

10 CHAIRPERSON ULRICH: Thank you so much
11 for being here. Thank you. We're going to call up
12 the next panel now representing the various district
13 attorney's offices. We have three individuals who
14 have signed up to speak, Karen Rankin from the Queens
15 District Attorney's Office. Thank you for being
16 here. We have Timothy Koller from the Richmond
17 County District Attorney's Office, Dan Donovan. We
18 also have Donna Mills from the Queens' DA's office.
19 Is there any other representative? That's it?
20 That's it. There's no other representative from the
21 district attorney's office. Okay, seeing as there
22 are none--

23 TIMOTHY KOLLER: [off mic] Can I put my
24 stuff in there? [sic]
25

1

2

CHAIRPERSON ULRICH: Yes, of course.

3

Yeah, we'll start with Mr. Koller. We'll just ask

4

him to move aside to make room for the other members

5

of the panel. Scoot over.

6

[background comments]

7

CHAIRPERSON ULRICH: Okay. The Clerk

8

will administer the oath, and then we'll start with

9

Mr. Koller.

10

CLERK: Do you affirm to tell the truth,

11

the whole truth, and nothing but the truth in your

12

testimony before this committee, and to respond

13

honestly to Council Member questions?

14

TIMOTHY KOLLER: I do. All right. Good

15

afternoon, everyone. My name is Timothy Koller, and

16

I currently serve as the Executive Assistant District

17

Attorney for the Office of Richmond County District

18

Attorney, Daniel M. Donovan, Jr. Before I begin, I

19

just want to say I feel like I'm in a choir practice

20

this afternoon, and I'm about to preach to the choir.

21

I'm very, very encouraged by the previous speakers

22

and presentations, and what I hear to be the

23

enthusiasm of the Council on a really important

24

issue. On behalf of D.A. Donovan, I want to thank

25

the Committee Chairs and members for holding this

important hearing to address a very real concern affecting our society. That is how to best handle veterans who find themselves in our criminal justice system accused of a crime. First, the District Attorney and I would like to acknowledge, as others have, the service of all veterans, particularly that gentleman who spoke a minute ago from the Public Advocate's Office. As well as current members of the military who have bravely served our country and defined--and defended the freedoms we hold so dear and often take for granted. We all know that like any other member of society, veterans can run afoul of the law. Given the trauma, horrors and tragedies that they may have witnessed while in the service of our country, the prosecution of some of these men and women might warrant, and indeed does warrant, specialized consideration when there is evidence of a causal connection between a veteran's military service and the crime for which he or she is being charged.

Experience informs us that incarceration may be, but is not necessarily the appropriate response to addressing those convicted of non-violent crimes. Indeed, our Specialty Courts, for example,

1
2 Mental Health Court and Drug Treatment Court, have
3 shown us that counseling, rehabilitation and mental
4 health services may be appropriate options for some
5 defendants convicted of non-violent crimes in an
6 effort to stem the cycle of criminal activity.

7 Certainly studies have indicated that
8 wartime experiences by soldiers, sailors and airmen
9 commonly described on the umbrella term of PTSD, may
10 result in those returning vets experience
11 homelessness, strained relationships with family and
12 friends and unemployment. Some return saddled with
13 mental health problems, addiction to drugs and
14 alcohol. Which may at times propel them toward
15 criminal behavior and subsequent contact with the
16 criminal justice system.

17 So what's happening in Staten Island? In
18 our effort to begin the process of identifying the
19 population that might be served by a Staten Island
20 Veterans Court, the New York City Criminal Justice
21 Agency last year agreed to our request to add an
22 additional question of those arrested for a crime in
23 Staten Island mainly to ask them whether or not they
24 had prior military service. Since last spring,
25 approximately 125 people have self-identified as

1
2 having had such prior military experience. As has
3 been said by just about every person who testified
4 here this afternoon, a key architectural component of
5 the Veterans Court is the inclusion of a mentor, a
6 veteran, him or herself, who can serve as the role
7 model, advisor, sponsor and supporter to the veteran
8 during the vet's navigation not only through the
9 criminal justice system, but also through life after
10 military service.

11 The District Attorney of Richmond County
12 is confident that given the borough's many American
13 Legion and VFW posts we will have no problem finding
14 veterans from each branch of the military willing to
15 serve as such role models when we are up and running
16 with our Veterans Court. At the District Attorney's
17 direction, I've outlined in the written remarks that
18 we've spoken to a variety of people in anticipation
19 of having a Veteran's Court during this planning
20 phase. We have a member of our staff who's an Army
21 veteran who has given his full throttled support to
22 helping us in the start-up process. A very, very
23 experience alum of our office, who's a prominent
24 member of the Criminal Defense Bar now in Staten
25 Island, a West Point graduate has also provide his

1
2 unequivocal support. I met and spoke just yesterday
3 with the Branch Chief of the Legal Aid Society who on
4 behalf of that organization has expressed his full
5 support in the planning stages as well. One
6 particular individual who is a decorated NYPD
7 detective himself a former Marine active in Veterans
8 Affairs has also expressed a willingness to
9 participate. I just the other day met with the
10 Administrative Judge on Staten Island. We've had
11 conversations with a group called Justice for Vets,
12 which is a non-profit down in Alexandria, Virginia
13 which helps star-up drug courts. I had met with
14 Judge Russell, who I heard his name mentioned at
15 least a half dozen times today. I had gone up to
16 Buffalo in January to meet with that very remarkable
17 man who is really the father of Veterans Courts here
18 in--in the United States. And I was impressed with
19 the remarks of Judges Moore and Ferdinand earlier
20 this afternoon.

21 The creation of a Staten Island Veterans
22 Court would be one aspect of fulfilling what is a
23 broader important social contract that our society
24 has with those who have served our country. Entry
25 into a Veterans Court after a sound, reasoned and

1
2 fair consideration of those possible causal
3 connections between a veteran's service and a crime
4 for which they're being charged can assist the Vet in
5 getting back on track. And return to being a
6 productive member of society without compromising
7 public safety. Which I think is a key ingredient of
8 any responsible Veterans Court. District Attorney
9 Donovan going forward would welcome the support of
10 the City Council as we move forward in the planning,
11 development, and implementation of such a court on
12 Staten Island. Thank you.

13 CHAIRPERSON ULRICH: Thank you very much.
14 Are you able to stay until the other two are finished
15 testifying for questions.

16 TIMOTHY KOLLER: Yes.

17 CHAIRPERSON ULRICH: Okay, thank you.

18 CLERK: Can you raise your--

19 CHAIRPERSON ULRICH: Are you both
20 testifying?

21 KAREN RANKIN: I'm going to testify.
22 She's going to assist in fielding question. But we
23 can both be sworn in.

24 DONNA MILLS: Right, we can.
25

CLERK: Do you affirm to tell the truth,
the whole truth, and nothing but the truth in your
testimony before this committee, and to respond
honestly to Council Member questions?

KAREN RANKIN: I do.

DONNA MILLS: I do.

KAREN RANKIN: I'm not sure if this is
on. I think it is. Good afternoon, Council Members,
and specifically Chair Eric Ulrich of the Veterans
Committee. Thank you for giving me the opportunity
to testify at this hearing on behalf of the Queens
District Attorney Richard A. Brown. My name is Karen
Rankin. I'm the Chief of the Narcotic Trials Bureau
in the Queens District Attorney's Office. The
Narcotics Trials Bureau [coughs] concentrates its
efforts and resources to combat narcotic related
crimes in Queens County. To that end, our bureau is
assigned most of the felony drug cases and the
driving while intoxicated cases, as well as a host of
other crimes, burglary, attempted murder, robberies
and so forth. The Bureau is also responsible for the
development and implementation of office wide
alternative sentencing programs offered to defendants
by our office. Our Director of Alternative

1
2 Sentencing, Douglas Knight who I'm sure you had the
3 opportunity to meet when you visited our Treatment
4 Court, and the Queens District Attorney, as well as
5 Assistant District Attorney Donna Mills who is the
6 presiding prosecuting attorney in those courts and in
7 most of our Treatment Courts. [clears throat]

8 We collaborate on a daily basis with the
9 court and the treatment agencies in overseeing all
10 compliance with treatment programs associated with
11 the Queens Criminal Justice System including our
12 Veterans Court. District Attorney Brown has been the
13 leader and continues to be a leader in diverting non-
14 violent defendants as well as some violent defendants
15 into treatment as a way to assist and address the
16 needs of those whose criminal behavior is motivated
17 by substance abuse, alcohol abuse, and mental health
18 issues. Our office, as you know, has a wide variety
19 of alternative sentencing programs targeting
20 particular types of offenders. Which I have laid out
21 in my remarks.

22 In 2010, District Attorney Brown joined
23 forces with Chief Judge Jonathan Lippman then
24 assistant-- the Nassau County District Attorney
25 Kathleen Rice and former Kings County District

1 Attorney Charles Hines among others to assist
2 veterans in the criminal justice system. I am sure
3 you will all agree that returning veterans deserve
4 not only our gratitude and our praise, but our
5 support. Many of them have witnessed first hand the
6 horror and devastation that war brings, and some have
7 unfortunately brought back with them deep emotional
8 and psychological scars as a result of their
9 experiences. The initiatives we're discussing today,
10 Treatment Alternatives During Incarceration for
11 Veterans, are designed to demonstrate our concern,
12 and to assist returning veterans their families.
13 Some veterans, because of their visible wounds,
14 suffer from alcohol, substance abuse, and mental
15 issues. These issues can lead to involvement in the
16 criminal justice system, as you all are well aware.

18 We are prepared and continue to provide
19 individualized treatment as an alternative to
20 incarceration, and we continue to offer support
21 towards any efforts to implement veterans service
22 citywide. As indicated, there are a host of programs
23 that the District Attorney's Office has, but I'm
24 going to focus, as you know, with respect to the
25 Veterans Treatment Court that we launched in 2010 in

Queens County. [clears throat] As you know, Judge Marsha Hertz presides over that court along with Donna Mills, who sits here with me today. The model for Veterans Court in the Queens, in the Queens County follows the highly successful Treatment Court model at its earliest possible time, we attempt to identify defendants who have served in the military and who are charged primarily with non-violent felonies. To assist us in this effort, we have the Criminal Justice Agency to inquire about past military status during their initial pre-arraignment conversation with those arrested for crimes. That is one of the things you were asking, what is the earliest possible time that we can identify veterans that are in the criminal justice system? We do so at their initial arraignment whether it be for misdemeanor offenses or felony offenses.

If the defendant appears to be paper eligible in that he or she has had military serve irrespective of the outcome whether it be honorable discharge, general discharge [clears throat], dishonorable discharge they are technically paper eligible to be considered for our court. They will then undergo a clinical assessment for alcohol or

substance abuse dependence and mental issues
requiring treatment. We then employ a deferred
sentencing model. A defendant interested in
participating will plead guilty and sentence will be
deferred while he or she enters a minimum of 12
months of treatment provided by a number of well-
respected treatment services that the we've worked
closely with, with the Veterans Administration to
provide outreach and peer support to veterans and
their families during this period. [clears throat]
Each participant is also assigned a volunteer mentor
who is a current or former member of the military--
from the military of the same branch of service. So
as indicated by many of the speakers here, mentoring
is important. And having a peer and a veteran to
assist you through the process is a significant
factor in our Treatment Court. As in other programs,
participants will and where appropriate undergo
periodic drug testing, make frequent court
appearances, be subject to a variety of graduated
sanctions for relapse of program violations, and be
given encouragement and support to complete treatment.
The court will receive periodic progress reports.
Those who successfully complete treatment have their

cases dismissed, charges sometimes reduced or sentences lowered depending on the nature of the cases. Since our inception in 2010, we've identified 100 potentially eligible cases. We've placed 62 participants so far. We've successfully graduated 33 participants, and we have a 94%--94% percent retention rate.

I thought it was appropriate to give you a brief description of one of our recent participants so that you can better understand how the Veteran Court operates, and the difficulties that some of our veterans face. In 2011, we had a participant--John as we call him. That is not his real name. He was a member of the armed service staging in Fort Drum, and his wife and two-- [coughs]-- And his wife and two others were arrested in Queens County. They traveled to Queens to purchase Heroine. They were found in possession of over 402 bags of heroinee the car. He was charged with felony drug possession, facing B felony charges with a minimum of one to nine years in jail. When John entered our court system, he was identified as a veteran. He was identified in the arraignment part. He was directed to our Veterans Court. During the screening we learned that John had

been stationed in Afghanistan in 2010, and while there had suffered serious back and head injuries. He was given opiate-based medication for his pain and became addicted. After some time, he began taking heroine because it was cheaper and easier to obtain.

Veterans Court conducted an assessment and found that John was suffering post-- from post-traumatic stress disorder and Traumatic Brain Injury. He entered a plea and was directed for residential drug treatment to the Veterans program at Samaritan Village. It is not unusual that individuals who are attempting to overcome addiction relapse and suffer setbacks during this process, and John did as well. He subsequently left the program without permission, was absent for a few months, and he was indicted for bail jumping. When he finally returned, he was given another chance. He took a plea to felony bail jumping and a misdemeanor bail jumping along with the other plea that he had taken to the felony drug charges. He was re-admitted into a residential treatment program at Phoenix House. This opportunity in--this opportunity to start over was just what John needed. He successfully completed the program, and upon graduation his drug case and felony bail jumping

1 cases were dismissed. He was sentenced to
2 conditional discharge, and a misdemeanor bail jumping
3 the condition being to simply stay out of trouble for
4 a year. And was able to begin and build a new life
5 from addiction. It should also be noted that because
6 of his participation in this program, our Veterans
7 Treatment Program, he received an honorable discharge
8 from the military.
9

10 While we're very proud of what has been
11 accomplished in the Veterans Court, there are several
12 challenges, challenges that you're asking today how
13 best can we assist the courts with respect to
14 services? One of the challenges obviously has been
15 in identifying individuals in the criminal justice
16 system as veterans. In our experience, many veterans
17 are guarded about disclosing their military service
18 or affiliation. This may be a result of
19 embarrassment or disappointment about their current
20 predicament. While we have tried to address this
21 problem in a variety of ways by asking criminal
22 justice agency to inquire by conducting outreach with
23 the defense bar, and by working with the Veterans
24 Administration, we believe it will be helpful for
25 those jurisdictions that have a Veterans Court to

1
2 have access to appropriate professionals who can work
3 within our offices to help identify veterans in the
4 criminal justice system in need of these services.

5 Having dedicated personnel who can
6 identify paper eligible candidates at the earliest
7 possible time will enable us to expand the scope of
8 our court, and provide treatment to more individuals
9 in need. It would also be extremely helpful to have
10 a dedicated personnel assigned to the Veterans Court
11 who can help conduct screening and clinical
12 assessments and serve as case managers. At present,
13 we rely on the staff who serve these functions from
14 our others [clears throat]--for our Substance Abuse
15 and Mental Health Courts, and also perform them for
16 our Veterans Court. So we're taking the resources
17 from our other Treatment Courts because we don't have
18 dedicated resources in our Veterans Court. And as
19 you can imagine, as caseloads grow, this can put an
20 enormous strain on the limited personnel in these
21 courts.

22 Yet, another challenge has been in
23 helping veterans to assess services to which they are
24 entitled as a matter of--as a matter of service.
25 These include financial entitlements, mortgage

1
2 assistance, vocational and educational programs,
3 healthcare and other vital needs. Any assistance
4 obviously in broadening the array of geographical--
5 the array of geographically accessible services
6 available to veterans who participate and graduate
7 from our Veterans Court will be greatly appreciated.

8 In sum, we're delighted to be counted
9 among the jurisdictions that are working to provide
10 humane and effective diversion and treatment programs
11 to veterans who find themselves in the criminal
12 justice system. We welcome any support that will
13 assist this deserving population in addressing
14 trauma, addiction, and homelessness that [clears
15 throat] that they may suffer--that many suffer, and
16 enable them to live law abiding and productive lives.
17 Finally, we encourage you, and those who are
18 interested in learning about--more about our Veterans
19 Court, to come and visit our court, as Council Member
20 Ulrich did. And to sit in and see some of the
21 sessions. We thank you for this opportunity to
22 testify here today. Donna and I are happy to answer
23 any questions you may have with regard to our
24 treatment program with respect to veterans in Queens
25 County.

CHAIRPERSON ULRICH: Thank you. Thank
you for your testimony. I have several questions.
I'm going to first ask Mr. Koller because I know he's
pressed for time. I have a few questions. If any of
my colleagues have questions, please ask them of Mr.
Koller first, and then we'll move back to Queens in
case he has to excuse himself. So, Mr. Koller, first
of all, thank you for being here.

TIMOTHY KOLLER: You're welcome.

CHAIRPERSON ULRICH: I have spoken
personally with Dan Donovan several months ago about
establishing a Veterans Treatment Court in Richmond
County. I know that the elected officials there care
very deeply about this issue, the Minority Leader
being one of them, and he were here earlier at the
hearing. Dan Donovan talked to me about some of the
logistical issues that they've had as to why they
don't have one currently. And maybe you want to
discuss that or talk about that a little bit so
people understand why Staten Island doesn't already
have a Veterans Treatment Court, and what you're
doing to prepare for establishing one in the very
near future.

TIMOTHY KOLLER: I'd be happy to answer that. We've had a new courthouse under construction for many years now, and we were supposed to move into the new courthouse January or 2013. And for a variety of reasons there's been construction delays and other issues that have set us back in that regard. And the courthouse, the criminal court in Richmond County is a building that was a WPA project that was built I believe in 1938 to serve the needs of the population that was much less than it is right now. We have almost a half million people in Richmond County. And that building just can't sustain another court. We would need another judge to handle some of the overflow that currently exists plus the veterans part. So the trip wire, if you will, for moving forward with this is really the-- opening the door to the new courthouse. I had gotten a call this morning that there's a new target date for six weeks from now. That's probably the eighth call that I've gotten in terms of a new target date, but we remain optimistic that at some point we're going to get into the new courthouse. It's got to have a sufficient number of courtrooms that can be staffed by a sufficient amount of judges. And I feel

1
2 very optimistic that with the assistance of the
3 Council the defense bar, the veterans community,
4 we're going to be able to rock and roll in Staten Island
5 soon after we open up a new courthouse.

6 CHAIRPERSON ULRICH: And I know in your
7 testimony you talked about the number of veterans
8 hearings you've been able to identify on the intake
9 forms.

10 TIMOTHY KOLLER: Uh-huh.

11 CHAIRPERSON ULRICH: You want to talk
12 about--

13 TIMOTHY KOLLER: [interposing] Sure, we--
14 we-

15 CHAIRPERSON ULRICH: --how that court
16 would serve that population?

17 TIMOTHY KOLLER: We-we had done that and
18 I know that Queens has been doing it, and we
19 persuaded the criminal justice agency to do that for
20 us as well. And as Karen had said, these people are
21 self-identifying. Some of them are embarrassed,
22 quite frankly. If they feel they got involved in
23 something that they view as silly or embarrassing,
24 they may not want to self-identify as a veteran. I
25 think another dynamic is buy-in from everybody. I

can speak wholeheartedly on behalf of Dan Donovan that he's bought into this, and he wants to see a Veterans Court because he thinks it very important. But I think the institutional defense bar, and the probably the defense bar need buy-in, too. Because often times there's a sense of volume. I need to talk to a client before he or she is arraigned. It's a petty offense and perhaps counsel doesn't have the opportunity to look at the whole person. And realizing that they're a veteran, but if they can get-- You know, it's a meet and plead, as someone--as some folks call it. And I don't say that to trivialize the hard work of the members or the criminal defense bar. But it's a transactional relationship that may end at the arraignment. And this is something that calls for a longer term solution. So it's--I think everybody, certainly the prosecution, but the defense bar stepping out of the box, and looking at what kind of social responsibility do they have towards someone who had military service to get an appropriate disposition for them. That's their ultimate responsibility as a criminal defense lawyer, but also to look forward and

1
2 out of the box with respect to maybe getting this
3 person back on track so they don't come back again.

4 CHAIRPERSON ULRICH: I'm assuming your
5 office has talked with the Administrative Judge in
6 Richmond County--

7 TIMOTHY KOLLER: [interposing] We have.

8 CHAIRPERSON ULRICH: --the presiding
9 judge--

10 TIMOTHY KOLLER: [interposing] We have.

11 CHAIRPERSON ULRICH: --and the presiding
12 judge is certainly--

13 TIMOTHY KOLLER: [interposing] She--she
14 is in favor it. You know, we need to move with
15 respect to OCA because that is really the--that's--
16 that's the home office, if you were to have one.

17 CHAIRPERSON ULRICH: [interposing] Are
18 you actually going to establish a separate part in
19 the courthouse?

20 TIMOTHY KOLLER: I envision that it will
21 be similar to our Mental Health Court where you don't
22 have a mental health court judge that just does those
23 cases. You know, a judge may hear a variety of
24 specialties, if you will, and that Veterans Court
25 would be one of those.

CHAIRPERSON ULRICH: But as far the
coordination between the District Attorney and the
Presiding Judge it's--they're both on the same page?

TIMOTHY KOLLER: [interposing] I think
we've got great communication. I spoke with her
yesterday afternoon in anticipation of my testimony
on behalf the--

CHAIRPERSON ULRICH: [interposing] And
clearly it's not a lack of desire or want, it's just
that they haven't had the physical space. I think
that's very important.

TIMOTHY KOLLER: [interposing] I think
that's the condition perceived. There are some
fiscal consequences to this, but there's no financial
ask by the Richmond County DA today.

CHAIRPERSON ULRICH: Right. Well, today.
Today was the key word. [laughter] We're going into
finance hearings and budget hearings in month.

TIMOTHY KOLLER: I'd emphasize the word
"today".

CHAIRPERSON ULRICH: Do any of my
colleagues have any questions for the Staten Island
District Attorney before we go to Queens in case he
has to excuse himself.

1

2

TIMOTHY KOLLER: Yeah, I do.

3

CHAIRPERSON ULRICH: You do. Okay.

4

Chairman Lancman.

5

TIMOTHY KOLLER: Sure.

6

CHAIRPERSON LANCMAN: Well, thanks for

7

coming out, and--

8

TIMOTHY KOLLER: [interposing] You're

9

welcome.

10

CHAIRPERSON LANCMAN: --and I appreciate

11

the time that you and the DA had extended to me

12

previously to learn more about your operations and

13

you needs. So let me ask you this. I think you--you

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touched on it or at least you raised it, and I'd like

15

to hear from Queens as well. So, after you give your

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answer you're free to go, and then Queens can give

17

its perspective. But are there more--is there more

18

that the legal services providers can do, the Legal

19

Aid, the indigent defense providers could do to

20

assist the court in not just as you put it, you know,

21

plea and-- What was it, meet and plea?

22

TIMOTHY KOLLER: [interposing] Meet and

23

plea.

24

CHAIRPERSON LANCMAN: Meet and plea. Do

25

they have--have they been brought into the process?

1
2 TIMOTHY KOLLER: I have--I've spoken to
3 the Branch Chief of Legal Aid, and he has directed
4 his attorneys to ask as part of their questioning of
5 the client or potential client, Do you have military
6 service. So I think it's a matter of sensitizing
7 people. I don't think 20 years ago we had the same
8 sensitivity to our responsibilities to veterans. And
9 like many other--and like many other areas I think
10 we've become more enlightened in that regard. And I'm
11 very, very optimistic that defense bar is going to
12 buy in. And I think the key ingredient of that is
13 the alum of my office who's now in the criminal
14 defense bar, West Point--West Point graduate. He's
15 prepared to sort of take on the charge there, and
16 another call to duty to sensitize his brothers and
17 sisters in the defense bar that this is something
18 that they should take a closer look at. So I'm very,
19 very optimistic. We need the new courthouse. That's
20 the trip wire, but again, we at least have another
21 deadline or a move in date of six weeks. So I'll
22 keep a good thought in that regard.

23 CHAIRPERSON LANCMAN: Good luck with
24 that. Thanks very much.

TIMOTHY KOLLER: Thank you, gentlemen and
good afternoon.

CHAIRPERSON ULRICH: Thank you, Mr.
Koller.

TIMOTHY KOLLER: Thank you.

KAREN RANKIN: With respect to that
question, what can legal services do? As Tim
indicated and I think even Judge Ferdinand indicated
think--

CHAIRPERSON LANCMAN: [off mic] I think
that answers my question. [sic]

SERGEANT-A-ARMS: Turn your mic on,
please. [sic]

KAREN RANKIN: I'm sorry. And Judge
Ferdinand indicated, and I think this is something
that many of us in the DA's office also look at that
sometimes we believe, and as Tim said not to knock
the defense bar in anyway because certainly they have
a job to do, and they come from a different angle
than we as prosecutors come from. But, I think it is
important to perhaps educate and advocate to your
client why these services and these treatment
programs that are out there and are available are
necessary. It isn't simply just disposing of your

1
2 case is necessary the best outcome where you end up a
3 with CD, or you perhaps save-- You know, as oppose
4 to going through a 12-month, 18-month program you do
5 20 days or 15 days in jail, and then the matter is
6 over. But it's about putting you back on track, and
7 conquering your addiction or your mental issues.
8 Because as we all know, these are lasting problems
9 that they face. And it not only impacts the current
10 charge that they're facing, but their entire life,
11 other areas in their life. Their home issues, their
12 financial issues, their employment issues.

13 So that it is important to educate the
14 client about the availability of these programs that
15 they can go through. And although the case may not
16 end today, and it make take a little longer, in the
17 end you can get a dismissal or you end up with no
18 record at all. Perhaps you'll get a lesser charge,
19 but at least you had the opportunity to deal and
20 address the issues that brought you into the criminal
21 justice system in the first place. And that perhaps
22 all of us need to tell them that don't be afraid,
23 don't be embarrassed. We're here to support you.
24 We're concerned. We certainly recognize your
25 service, and we understand the reason why you're here

1
2 is because of what happened to you while you were in
3 service. And, you know, bad times fall on everyone.
4 But, I think if defense attorneys and others would
5 impact that to the client more that treatment is a
6 viable and probably a best option, then I think it
7 will go a long way in getting the veteran out of the
8 criminal justice system. Not in Rikers Island, but
9 in a treatment program and on his or her way back to
10 a productive life.

11 CHAIRPERSON LANCMAN: Let me ask you
12 about two things that you mentioned in your
13 testimony. You said, It would be helpful for those
14 jurisdictions that have a veterans court to have
15 access to appropriate professionals who can work with
16 our offices to help identify veterans in the criminal
17 justice system in need of treatment services. What
18 do you mean by that because doesn't CJ ask them, you
19 know, are you a veteran? Are you military service?
20 What's missing?

21 KAREN RANKIN: Well, actually, there is
22 no dedicated area on the form that says military
23 service. The forms we've been told it takes too much
24 time or it's costly to regenerate forms. So, what
25 we've asked them to do is in the miscellaneous

1
2 section to simply ask the question of military
3 service, and it is written. I do believe that if you
4 have people in the courtroom, whether it be our
5 clerks that are questions or CJ, a criminal justice
6 agency that's asking. So, perhaps--remember many of
7 those are not necessarily of military background.
8 They're just regular individuals that are working in
9 the CJA.

10 CHAIRPERSON LANCMAN: Oh, the CJA
11 employees. Right.

12 KAREN RANKIN: So perhaps if there are
13 military--former military people that are working
14 with them that can-- Because I think it's hard for
15 the veteran to impart certain information to just
16 anyone. When you-- That's why peer counseling and
17 the mentoring of a--someone who is or had a
18 background--

19 CHAIRPERSON LANCMAN: [interposing]
20 Right, so we have to know that they're a veteran
21 first before they get the peer counseling?

22 KAREN RANKIN: Right.

23 CHAIRPERSON LANCMAN: So we're going to--
24 we're going to reach out to CJA, and ask them how
25 they're addressing this issue, but it also seems

1
2 solvable by your directing your assistants to ask
3 that question at the arraignment.

4 KAREN RANKIN: That's true, too, and we
5 certainly--we don't necessarily do that direction at
6 arraignment because of everything that's going. But
7 it's certainly an easy fix as well to simply ask the
8 attorneys. Usually, we ask the defense attorneys,
9 you know, is your client interested in a treatment
10 program, and what are some of the factors? They're
11 aware of our--all our treatment programs. So if they
12 can bring that to our attention because as you know,
13 with arraignments, there are a host of pieces that
14 assistants are dealing with. And with respect to
15 delving into find out what particular--this
16 defendant-- What is this particular defendant
17 whether it be mental health issues or military. But
18 I think that information should be imparted from the
19 defense, and from the criminal justice agency whether
20 it be the clerk or CJA.

21 CHAIRPERSON LANCMAN: My last question--

22 KAREN RANKIN: [interposing] We certainly
23 do that as we move out of arraignments, and the case
24 is sent into an all-purpose part for negotiations.
25 We have our Director of Alternative Sentencing,

1
2 Douglas Knight, who goes into that courtrooms to
3 identify whether or not there are veterans associated
4 with any of the crimes, and whether or not they would
5 be interested in the program. Although that was not
6 done at arraignment, it is done usually in the next
7 part, which is the APN or AP6 part, pre-indictment
8 parts.

9 CHAIRPERSON LANCMAN: Okay. My last
10 question is the one that I'm really focused on today.
11 And that is your statement regarding, Another
12 challenge has been helping veterans to access
13 services to which they're entitled as members of the
14 service today. These include financial entitlements,
15 mortgage assistance, vocational and educational
16 programs, quality healthcare and other vital
17 services. Any assistance in broadening the array of
18 geographically accessible services is available to
19 veterans who participate in and graduate from our
20 Veterans Court would be greatly appreciated. So
21 these are services, which the veterans are entitled
22 to as veterans.

23 KAREN RANKIN: Yes.
24
25

CHAIRPERSON LANCMAN: This isn't, you know, some new thing that the City or the State has to come up with.

KAREN RANKIN: [interposing] Right.

CHAIRPERSON LANCMAN: In Queens is there a representative from the Veterans Administration in the courtroom?

KAREN RANKIN: Yes.

CHAIRPERSON LANCMAN: And so, are they not performing this function the way they should?

KAREN RANKIN: They do, but it is our understanding the process is a very arduous process. There are a lot of--for lack of a better word red tape, and it takes a long time for the veterans to navigate through the various paperwork. And it's a lot of hurdles for them to get through. And sometimes what we've learned is that they simply give up. And they forego, you know, those entitlements--

CHAIRPERSON LANCMAN: [interposing] Right.

KAREN RANKIN: --because it seems to take too long, and they can't--

CHAIRPERSON LANCMAN: [interposing] And if--and if this red tape--

KAREN RANKIN: --navigate it on their
own.

CHAIRPERSON LANCMAN: [interposing]
Right, and this red tape is VA red tape?

KAREN RANKIN: Yes. Correct?

DONNA MILLS: [off mic] Yes.

CHAIRPERSON LANCMAN: The mic.

DONNA MILLS: Oh, I'm sorry. Yes, it's--
it's--it's VA red tape, but it's also you're talking
about people with-- You're talking about Vietnam
veterans. They've had a long experience with the VA
Association, and they're reticent. Many people who
have sat here have said they're-- Reticence in
identifying themselves as veterans in the first
place. That's why one of our things, not to go back.
Everybody is pressed for time now. In identifying
individuals, everybody who said here said we identify
individuals as early as arraignments by asking the
question have you served in--in--in the military.
That's a question that's answered yes or no. So, as
Judge Ferdinand said, they may not answer at that
moment yes. So, when they speak to their attorney,
as Karen was trying to explain, that's when you have
an in-depth conversation--

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2

CHAIRPERSON LANCMAN: [interposing] They

3

find out from their attorney? [sic]

4

DONNA MILLS: --and that they then say

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that oh I am--I did serve in the military. But I

6

don't--I don't want you to underestimate the

7

importance of having a dedicated person. It's not so

8

much an ADA asking or having a conversation with a

9

defense attorney regarding whether their client

10

served in the military and by the way do you know

11

that there's a Veterans Court. It's a dedicated

12

person who's familiar with the military language and

13

so that can explain to the defendant about what are

14

his options in Veterans Court. You have to explain

15

that you have to go through an assessment. How long

16

this process is. What kind of treatment you have.

17

You have to assess for whether you have TBI, a host

18

of other--post traumatic street. How long you

19

served. This is not a short conversation that you

20

can just have at arraignments. It's an in-depth

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conversation that I think if a dedicated person with

22

military service was assigned to our court, and you

23

did visit our court, would be able to explain to this

24

person what it means to be in a veterans court. And

25

the options while you're there. We can expose you to

1
2 the Veterans Administration. We have a liaison. We
3 work with the VOJ. We have all these services. We
4 have the mentors, and each mentor we assign comes
5 from the appropriate branch of service. And, it
6 takes time to get people around to accepting our
7 service. You would be surprised at that.

8 CHAIRPERSON LANCMAN: All right. Thank
9 you very much.

10 KAREN RANKIN: [off mic] Excuse me.
11 You're talking about navigating the services that
12 they're entitled to. Many of what we've learned even
13 modeled from veterans is that their inability to
14 navigate through it all. [sic] You need assistance
15 whether it's somebody whose been through theses
16 processes before getting the services and getting,
17 you know, mortgage assistance, and getting housing
18 assistance, and getting other benefits that they're
19 entitled to.

20 CHAIRPERSON LANCMAN: [interposing]
21 Yeah, it just seems like if we could formalize, and
22 really support the mentoring that would make a big
23 difference.

24 KAREN RANKIN: [off mic] Yeah, I think
25 that if had a funded mentor--

1

2

3

CHAIRPERSON LANCMAN: [interposing]

4

Yeah.

5

KAREN RANKIN: --and not just volunteer

6

is a significantly--

7

CHAIRPERSON LANCMAN: [interposing] When

8

we say support, we mean money. [laughter] You've

9

got to learn the lingo. Nice to--nice to see you.

10

Thank.

11

CHAIRPERSON ULRICH: [interposing] We

12

have one quick last question. I say quick.

13

COUNCIL MEMBER VALLONE: Again, thank

14

you. Following up on Rory Lancman. Has there been

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any dialogue with the Bar Association especially

16

since you're in Queens as to uniting on this front

17

because you were saying to have a better dialogue

18

with the attorneys, and I see the judges are willing

19

to do these. And it seems like we need to take the

20

next step. Just sometimes just identifying a

21

veteran. We fought so hard to get a veterans ID

22

card. Now you know why we wanted that, just so that

23

a veteran could say, Hey, I'm a damn veteran. But

24

sometimes it's--it's hard. Now, the form that you

25

mentioned also, what form are you referring to that

there's not a place for them to check off that
they're a veteran?

CHAIRPERSON ULRICH: The intake?

KAREN RANKIN: [off mic] --the past
background and their history. It's a form that every
member that every defendant they speak with-- [on
mic] I'm sorry. --speak with the Criminal Justice
Agency, and certain information is provided. This is
what assists the judge in setting bail.

COUNCIL MEMBER VALLONE: You recommend
that form.

KAREN RANKIN: That form is in every
file, and a representative asks questions with
respect to that. But unfortunately, that form does
not have a box for military service so--

COUNCIL MEMBER VALLONE: [interposing]
So we have to ask.

KAREN RANKIN: --the question has to be
asked. And if someone doesn't ask the question, you
don't know at your earliest moment whether or not
that person has military service. It's not until
later, post-arraignment when that case is in the all-
purpose part, as I said. And we're in the courtroom
along with our Alternative Sentencing Director that

1
2 we're trying to identify cases, you know, in sending
3 them to various parts. We may identify the case
4 based on the nature of the charge.

5 COUNCIL MEMBER VALLONE: So we have to
6 provide that. That's another way--

7 KAREN RANKIN: [interposing] Right.

8 COUNCIL MEMBER VALLONE: --to identify
9 veterans, we'll have to work with you to work with
10 the Bar Associations.

11 KAREN RANKIN: Now, you said the Bar
12 Association and the Defense Bar. They are our
13 stakeholders as well because we do-- Before we
14 launched the Veterans Court, we met with all of these
15 agencies in order to come up with the plan and the
16 protocol to launch the Veterans Court. So they are
17 participants in our courts, and in our meetings
18 because we have--

19 DONNA MILLS: [interposing] [off mic]
20 They're dedicated. The Defense Bar and the Legal Aid
21 Society is in our Veterans Court?

22 KAREN RANKIN: QLA.

23 DONNA MILLS: [off mic] QLA is?

24 COUNCIL MEMBER VALLONE: Well, I can't
25 even remember the last time I got a notice for a CLE

on a Veterans Court. I haven't seen one. So that
might be another way that we can get the notice out
for attorneys.

KAREN RANKIN: Right.

COUNCIL MEMBER VALLONE: So, thank you
very much.

KAREN RANKIN: Thank you.

CHAIRPERSON ULRICH: Thank you, Council
Member Vallone, and thank you both of you. Thank
Judge Hirsch for indulging us and for providing this
valuable testimony and Judge Brown, District Attorney
Brown for all that he does for the people of Queens.
Thank you. The next panel--

KAREN RANKIN: [interposing] Thank you.

CHAIRPERSON ULRICH: --and we have many
to go. We have five people on the panel. We will
give them each five minutes to speak because we have
about 12 or 13 people that have signed up to talk,
and we're not going to be here all day. Scott Swaim,
Vets Court, Justice for Vets. We also have Jason
Hansman; Iraq and Afghanistan's Veterans of America;
Frank LaMarsh, American Legion, New York Department;
and Anise Leonardo, New York City Veterans Alliance;
and Dan McSweeney, United War Vets Council.

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COUNCIL MEMBER VALLONE: I think you need
one more chair.

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CHAIRPERSON ULRICH: We will need another
chair. We'll swear--we'll have the clerk administer
the oath all at once to save time, and then we will
start from the left and work our way down to the
right.

9

10

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12

13

CLERK: Can you all raise your right
hand, please? Do you affirm to tell the truth, the
whole truth, and nothing but the truth in your
testimony before this committee, and to respond
honestly to council member questions?

14

PANEL MEMBERS: I do.

15

16

CHAIRPERSON ULRICH: Okay, let's start on
the left, and we'll just move the mic over.

17

DAN MCSWEENEY: Thank you very much--

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19

CHAIRPERSON ULRICH: [interposing] Thank
you.

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DAN MCSWEENEY: --esteemed members of the
Committee on Veterans Affairs, the Committee on
Courts, and the Committee on Mental Health. Thank
you for the opportunity to speak with you today. My
name is Dan McSweeney. I'm the founder of Intersect,
a management consultancy based here in New York City.

I've also been a member of the advisory board of the United War Veterans Council for the past several years. And I'm glad to be here to offer the UWVC's perspectives on the issue of Veterans Treatment Courts. Most relevant for today's conversation, however, I'm a proud New Yorker and a Marine Corps veteran of the Iraq War. Many people in this chamber know Vince McGowan, Co-Founder and President of the UWVC, who has offered testimony on veterans issues to members of the City Council on numerous occasions. Vince is traveling overseas, and asked me to fill in for him today. I will do my best, but anyone who has worked with Vince McGowan knows that he's a very tough act to follow.

During 2015, I will be working closely with the leadership and constituents of the UWVC to assess how our organization can best honor, serve, and support veterans and their families in New York. As the incredible group of Vietnam veterans who founded and nurtured the UWVC hand the reins off to a new generation, we pledge to remember and honor the great efforts that they contributed as we continue to work closely with Commissioner Sutton, and the great team of MOVA. My contemporaries understand all too

1 well the tragic circumstances of Vietnam War veterans
2 faced upon returning home. And one of the most
3 important aspects of their legacy in U.S. history is
4 the understanding that they have inculcated among
5 Americans of all generations and all walks of life
6 that veterans deserve everyone's respect and support
7 no matter what the political and economic or cultural
8 debates surrounding their deployments and overseas
9 operations are. The pledge of those who served in
10 Vietnam has been to never again allow another
11 generation of veterans to face the same challenges
12 they endured. And I'm honored to be here with a
13 Vietnam veteran. We really honor and respect the
14 work that you've done.

16 This is a heroic thing about these
17 Vietnam vets, and they've delivered this pledge in
18 spades. We as post-911 veterans will be thankful to
19 these men and women always. One such Army veteran
20 who has dedicated himself to this pledge is New York
21 State Judge Michael Brennan. He served a tour in
22 Vietnam in 1968-69. I spoke with him this week, and
23 I can relate to you that his efforts with the
24 Veterans Treatment Court in Brooklyn are an
25 appropriate way to frame our topic of discussion

1
2 today. And I want to thank the council members once
3 again for bringing up this important issue.

4 This will only become more pressing as
5 those currently serving in uniform make the long
6 journey back home, and readjust to life as civilians.
7 We all clearly understand how challenging this can
8 be. I faced my own challenges upon returning back
9 home to New York City. Unfortunately, there are some
10 veterans who run into trouble with the law upon their
11 return. Let me be clear, in many circumstances these
12 men and women can benefit greatly from participation
13 in the VTCs. Though this program raises at least one
14 fundamental question. We hear that justice is blind.
15 If that's the case, how can we advocate for different
16 treatment for veterans in the justice system. The
17 answer is simple. Because it works. The second
18 answer is more philosophical. Just as we ask young
19 men and women to forego their democratic rights when
20 they don the uniform of their country, we could ask
21 the justice system to offer special consideration
22 when these men and women return to civilian society,
23 and commit a minor mistake or suffer a momentary
24 lapse of judgment.

Veterans Treatment Courts deserve support for a number of important reasons. They have the lowest recidivism rate of any specialty court. It's at 20%. They offer veterans a pathway to self-sufficiency through mentorship and the Veterans Judicial Officers that we heard about today. Finally, if veterans succeed in the program, the charges are dismissed or reduced, which increases the prospects of them becoming productive members of their communities. Of course, VTCs apply only to low-level crimes and are contingent upon the agreement and earnest commitment of the offenders. The program often applies to offenses related to drug and alcohol, and we know that these are linked to PTSD and other challenges that veterans face when they come home.

So really, there is no inconsistency in apply special treatment to vets through this program. We have after all asked for their special commitment in representing the United States as members of our armed services. Right now, VTCs are operational in 17 of 62 counties of New York States. That's unacceptably low. As we've heard, New York City's five boroughs do not yet host them, but I'm very glad

1
2 to hear that the situation is being remedied. Just
3 as Judge Brennan, walks the walk in acknowledging and
4 addressing the special needs of veterans in order to
5 help resolve their challenges, and become proud men
6 and women of service in their communities, we should
7 all recognize the special circumstances of our former
8 military members. And provide them the means to
9 unlock their special value to New York City. The
10 data shows very clearly that we can do this
11 effectively through VTCs. Thank you very much for
12 your attention.

13 CHAIRPERSON ULRICH: Mr. McSweeney, thank
14 you for your testimony.

15 ANISE LEONARDO: Hi, thank you for having
16 us here to discuss this important topic today. My
17 name is Anise [sp?] Leonardo, and I represent a newly
18 formed grassroots organization called the New York
19 City Veterans Alliance. I'm a licensed therapist and
20 I worked with veterans and military families in
21 clinical practice in the New York City Metro area for
22 more than eight years. My work has included
23 providing support to military families, as well as
24 in-patient integrative behavioral health treatment
25 for service members and veterans suffering from Post-

Traumatic Stress Disorder, mild Traumatic Brain
Injury, acute suicidal thoughts and behaviors and
substance misuse disorders.

According to my work that most veterans
successfully transition from the war time service
back into civilian life, but I've also seen first
hand that a significant number need help either
because of the traumas they've experienced, or
because their family and social support systems
weren't sufficient to study them. Unfortunately, a
number of these veterans wind up falling into the
criminal justice system for mostly misdemeanor
offenses. While it's important that all crimes are
taken seriously, it would nevertheless be an
injustice for veterans who haven't yet received the
help due to them following military service-related
traumas to then be left on their own in the criminal
justice system. This is why we strongly encourage
all New York City officials to support robust,
effective, and fully functional Veteran Treatment
Courts covering all five boroughs of New York City.

Earlier this month, the New York City
Veterans Alliance in partnership with New York Metro
Vets launched a survey asking the New York City

veterans community to rate their policy priorities.

Aside from the Veterans Initiative at the Midtown

Community Court with its catchment area largely based

around Times Square, we asked respondents to

prioritize establishing a borough wide Veterans

Treatment Court in Manhattan to refer veterans

committing offense to treatment rather than prison.

Like the Veteran Treatment Courts currently operating

in Queens, Brooklyn, and the Bronx and planned for

Staten Island. The survey is open through the end of

February, and we still have responses coming in.

Yet, even with these preliminary results, responses

thus far from our community have overwhelmingly

avored having Veterans Treatment Courts in all five

boroughs. Of more than 400 survey respondents, 87%

say establishing a Veterans Treatment Court in

Manhattan is either essential or very important.

Another 10% called this moderately important. This

equates to 97% of respondents thus far saying that

establishing a Veterans Treatment Court in Manhattan

is important to them.

We fully support the Manhattan Borough

President's and Public Advocate's call for Veterans

Treatment Court in Manhattan. Additionally, we

strongly recommend that city officials take a holistic approach to Veterans Treatment Courts by ensuring all veterans across the city experience the same measure of justice and access to treatment no matter which borough. We, therefore, offer the following six recommendations:

1. Veterans Treatment Courts must not only be present across all five boroughs, they must all consistently strive to follow the best practices and quality outcomes of courts across New York State and around the country. Currently, existing Veterans Treatment Courts in Brooklyn, Queens, and the Bronx differ significantly in their approaches.

2. Veterans Treatment Courts must involve judges and staff who have a basic understanding of military culture and military specific challenges of veterans coming into their courtroom to include Post-Traumatic Stress, Traumatic Brain Injury, trauma related substance misuse and military sexual trauma. Judges and staff must also have a basic familiarity with services offered by the Veteran Health Administration, the Veterans Benefits Administration, and services available to veterans of any era or discharge status offered by veteran

1
2 service organizations and other health services based
3 in New York. We believe the City Council committees
4 here today in conjunction with MOVA are capable of
5 working toward addressing this to ensure consistency
6 and equality of Veteran Treatment Courts across the
7 boroughs.

8 3. Veteran Treatment Courts must hold
9 veteran cases on a separate docket, and with the
10 Veteran Justice Outreach Specialists from the Veteran
11 Health Administration present. This is not currently
12 happening on a consistent basis. For example, the
13 Bronx court at times intermixes veteran cases with
14 non-veterans. Thereby, losing its coherent treatment
15 approach.

16 4. Veterans Treatment Courts must be
17 understood and implemented as trauma informed
18 treatment based systems that rely not only on judges
19 and their staff, but also on the involvement of VJOs
20 and their BA officials; licensed clinicians in the
21 community-based treatment programs; benefit
22 specialists from veteran service organizations; and a
23 robust veteran peer mentoring program. These
24 critical networks can be maintained and kept
25 accountable through regular stakeholder meetings and

1
2 communication with local community boards and police
3 precincts.

4 5. An ombudsman or a similar functional
5 identity should be established to take in and manage
6 input and complaints from those treated by or working
7 within the Veterans Treatment Courts to ensure
8 treatments, and the longevity of contracts are just,
9 appropriate, and consistent across the city's
10 Veterans Treatment Courts.

11 6. And lastly, best practices should be
12 solicited, reviewed, and implemented on an annual
13 basis according to data, and studies drawn from
14 Veterans Treatment Courts in New York State and
15 nationwide.

16 On behalf of the New York City Veterans
17 Alliance, I thank you for this opportunity to speak
18 today. Pending your questions, this concludes my
19 testimony.

20 CHAIRPERSON ULRICH: Thank you very much.

21 FRANK LAMARSH: Mr. Chairman,
22 distinguished members of the City Council, my name is
23 Frank LaMarsh. I'm a Vietnam veteran, and a 34-year
24 member of the American Legion. The following is a
25 statement in support for the creation of the Veterans

1
2 Treatment Court in New York County and the American
3 Legion. Since its inception in 1919, the American
4 Legion has been at the forefront as a strong voice
5 for the rights and benefits for America's veterans.
6 As the largest veterans organization with over 2.6
7 million members it continues to speak out on matters
8 concerning veterans affairs and rehabilitation. The
9 Legion's voice addresses concerns of not only our
10 members, but for every living and future veteran of
11 this great nation and their families.

12 The bonds of military service run deep.
13 Veterans have many shared experiences not common
14 among civilians. Research suggests that traditional
15 community services may not be adequately suited to
16 meet the distinct needs of the veterans in the
17 criminal justice system. In Veteran Treatment
18 Courts, those who served in our nation's armed forces
19 go through the treatment court process with their
20 fellow veterans, and are connected to the federal,
21 state and local services that are uniquely designed
22 for the distinct needs that arise from military
23 service. Veterans Treatment Court followed the Drug
24 Court model. Veterans Treatment Court participants
25 receive first class treatment, and other services

1
2 they may require to get back on track and lead
3 constructive lives. But they are also held
4 accountable by a judge for meeting their obligations
5 to society, themselves, and their families.

6 Participants are regularly and randomly tested for
7 alcohol and/or drug abuse, required to appear
8 frequently in court for the judge to review their
9 progress and immediately receive rewards for doing
10 well, and sanctions for not living up to their
11 obligations.

12 The American Legion and Veterans
13 Treatment Courts. The American Legion provides an
14 extremely valuable service to Veterans Treatment
15 Courts. The American Legion can assist Veterans
16 Treatment Courts by providing services officers,
17 mentors, and linkages to federal, state and community
18 veterans resources. Veterans of the United States
19 armed forces may be eligible for a broad range of
20 programs and services provided by the Federal U.S.
21 Department of Veterans Affairs. These benefits are
22 legislated in Title 38 of the United States Code.
23 Veterans may also be eligible for specific programs
24 and/or benefits through the State's Veterans Agency
25 and include other agencies due to the veteran's

1
2 status. Many veterans who went through the criminal
3 justice system are unaware of the eligibility and VA
4 programs and services. Veterans often require
5 additional expertise from an accredited American
6 Legion Department, which is the state, service
7 officers in navigating, and filing, and/or appealing
8 of a claim, peer support and guidance.

9 The American Legion during its 2011
10 National Convention in Minneapolis passed Resolution
11 No. 109 urging Congress to continue to fund the
12 establishment and expansion of Veterans Treatment
13 Courts, and recommends the various Legion's
14 departments and posts provide non-monetary assistance
15 and support to the Veterans Treatment Courts by
16 having department service officers serve on the
17 Veterans Treatment Courts by having the volunteers
18 provide information on VA benefits and services.
19 During its 2014, National Convention, the American
20 Legion once again addressed the Veterans Treatment
21 Courts issue, citing the concerns of returning combat
22 veterans who are suffering from Post-Traumatic Stress
23 Disorder and Traumatic Brain Injury, and who are
24 returning--who are turning to drugs or alcohol to
25 cope with these illnesses.

1
2 The American Legion with the passage of
3 Resolution No. 159 again urged Congress to continue
4 to fund the establishment and expansion of Veterans
5 Treatment Courts. Therefore, the members of the
6 American Legion along with the posts within the five
7 New York City counties the establishment and funding
8 of a Veterans Treatment Court in New York County. In
9 addition, we hope to again offer our support for the
10 establishment of a similar court in Richmond County.
11 Thank you for your time and attention.

12 CHAIRPERSON ULRICH: Thank you, Frank.
13 Next.

14 SCOTT SWAIM: Hi. Good afternoon. My
15 name is Scott Swaim. I'm with Justice for Vets out
16 of Alexandria Virginia. I'm a United States Air
17 Force veteran, a Licensed Mental Health Counselor.
18 And Justice for Vets is a Division of the National
19 Association of Drug Court Professionals. Our primary
20 goal is advocacy, training, and technical support.
21 Since 2008, there is over 230-- 230 since 2008
22 Veterans Treatment Courts around the country. So the
23 expansion is incredible. We've trained over 125
24 Veterans Treatment Courts around the country since
25 2010. This year we'll be training an additional 45

1
2 jurisdictions around the country. You know, the need
3 for the training and keeping things to a
4 standardization is really important. So, we're
5 seeing a lot of people really interested in that.
6 We're actually going to training the Brooklyn Court
7 in September. We trained the Bronx Court last year.
8 And we've seen--it was wonderful to hear everybody
9 before me talk about all the things that are the ten
10 key components of what we believe through the Drug
11 Court research and success of 25 years has brought
12 us.

13 And I just want to briefly go over our
14 ten key components. Number one integration of
15 alcohol, drug, mental health, and medical services.
16 One of the things that continually gets forgotten in
17 the medical services that our veterans need. And
18 that always isn't there. We've seen so many issues
19 with bringing in a Veterans Treatment Court, or the
20 medical services that makes it very difficult. One
21 of the most successful courts-- I had the honor of
22 being in Judge Russell's court yesterday before
23 flying in. And I said, Well, Judge, how many--how
24 many VA people do you have here? He had five
25 different representatives from the VA there. He had

1 the VBA, the Benefits Administration as well as VHA
2 plus the Veterans Justice Outreach people. So one of
3 the things that you can really do is bring all those
4 people to the table, not just the VJO. The VJO is a
5 wonderful asset the VA has brought to the table. But
6 they need all those people that can bring that, and
7 one of the things Judge Russell said yesterday after
8 one of the veterans said, Judge, guess what? It's
9 been six months, and I got my benefits. I'm 100%
10 disabled. I've been fighting for it for years. What
11 did he do? He said thank you to the VBA for helping
12 him get that claim done. So those are the kinds of
13 things that we see as really helpful to bringing a
14 lot more people to the table than just your basic
15 two.

17 Number two, is using a non-adversarial
18 approach. Do we really want to prosecute? We don't
19 want the prosecutor to give up their public safety
20 role, or the defense counsel to give up their role of
21 public-- You know, respecting the rights of the
22 clients, but we really want them to understand it's a
23 treatment court, and those things operate very
24 differently. Eligible participants need to be
25 identified early. They need to be asked early. An

1
2 arrest is probably optimal to do, but that doesn't
3 always happen. I heard earlier somebody talking
4 about changing the forms. We know that's an issue.
5 But it's a checkmark. Some of the states have moved
6 forward and actually had a veteran ID on their
7 driver's license. So, you know, that has a mixed bag
8 of those kind of things because it does take time
9 doing that. The other thing that you need to ask is
10 early and often, you know, because a lot of times, as
11 I've said, it's really a hard thing for a vet. It's
12 not our proudest moment as a veteran when we're
13 sitting in that jail and they say, Hey, have you
14 served in the United States military? Well, you
15 know, it's something that we might not want to really
16 answer right away.

17 And number four, access to a continuum of
18 care. The continuum of care is more than just the
19 beginning of the treatment. It's the end of the
20 treatment. It's when there's a relapse occurring.
21 It's homelessness. It's all those things. So it's
22 basically saying we need to meet your needs, and
23 bring everybody to the table that can. Number five,
24 abstinence is monitored often, and those results are
25 used. Research supports say that you need to be

1
2 doing drug screens twice a week for the entire, you
3 know, part of the program. Because, you know, those
4 when relapse occurs, they occur 90 days into the
5 program. So you really need to keep it going
6 throughout that. Number five, coordinate a strategy
7 governs courts' responses. You know, it's really
8 about change in behavior and that's what these
9 Treatment Courts are about. In the court yesterday
10 with Judge Russell, he said, How do we change
11 behavior? People, places and things, Judge. It
12 scared the living daylights out me. Forty people
13 jumped up and said that. So, you know, they all know
14 it. They preach it every day. They know that's how
15 they change behavior. Number 7, ongoing judicial and
16 interactions.

17 CHAIRPERSON LANCMAN: Sorry. Excuse me.
18 Sorry. Let me just interrupt you.

19 SCOTT SWAIM: Yeah.

20 CHAIRPERSON LANCMAN: I need to head out.

21 SCOTT SWAIM: Okay.

22 CHAIRPERSON LANCMAN: I just wanted to
23 thank you very much for all your testimony and
24 service. My Council will stay here and hear the rest
25 of your testimony. My daughter is actually going to

1
2 be in court. She's a--her class is participating in
3 a group court competition. So I have to go and cheer
4 her on. But, thanks very much, Eric, and for the
5 whole staff. There are a lot of good things that
6 have come out of this hearing, and I know that we're
7 going to be--to be following up on. So thank you
8 very much. Please continue.

9 CHAIRPERSON ULRICH: We'll put a minute
10 back on your clock, too.

11 SCOTT SWAIM: Thank you. The judicial
12 interaction we found has been really important for
13 the research. It's basically just a judge spending
14 three minutes of time with the veteran in front of
15 them thanking them for their service, encouraging
16 them and saying, you know, just before he sanctioned
17 them, you know, a couple days in jail, he's still
18 going to say I know you can do this. I know you can
19 do this. Keep going. Keep fighting for it. We
20 believe in you, and having somebody say that
21 sometimes for the first time in their life is very
22 powerful.

23 Number eight, monitoring the evaluation.
24 You need to know where your program is. You need to
25 know what you're doing. Numbers speak. Numbers

1
2 speak for funders. You know, I need to know what the
3 recidivism rates are, what your outcomes are. You
4 know, if things aren't working out, you need to know
5 that. If you've been operating for a year, and
6 you've only got two people in your court, something
7 is going on that you need to evaluate and fix.

8 Number nine, interdisciplinary education
9 is something that I found very important because as a
10 mental health professional with over 20 years of
11 mental health experience, I hadn't been in the courts
12 very often. So a lot of the times your mental health
13 professionals aren't aware of what they need to do in
14 the Treatment Courts to interact with the judiciary,
15 and work through the issues that they might have on
16 what they should say and what they shouldn't say. So
17 that's been a primary thing of educating people about
18 that as well as the judiciary educating them about
19 some of the mental health practices and the
20 treatments that are available. [bell]

21 And number ten is forging partnerships
22 among veterans their programs. And the partnerships
23 we've have been so important with the vocational--
24 The Veterans Outreach Center in Rochester has been
25 one of the most successful programs in the country

1
2 based on those kinds of things because they brought
3 all the services together in a one-stop shop.

4 CHAIRPERSON ULRICH: Thank you again for
5 your testimony. Jason.

6 JASON HANSMAN: Thank you Chairman
7 Ulrich, distinguished members of the committees. On
8 behalf of Iraq and Afghanistan Veterans of America, I
9 would like to extend our gratitude for being given
10 the opportunity to share with you our views and
11 recommendations regarding Veterans Treatment Courts
12 in the City of New York. Veteran Treatment Courts
13 modeled after Drug Treatment Courts have long been a
14 preferred method over incarceration for veterans who
15 may be suffering from mental health issues such as
16 Post-Traumatic Stress Disorder or traumatic brain
17 injuries. Coupled with treatment and veteran
18 mentorship have proven to help veterans get back on
19 track in their transition into civilian life.

20 One of IAVA's New York City policy agenda
21 items is to ensure that there is Veterans Treatment
22 Court in all five boroughs. And while three out of
23 the five boroughs have Veterans Treatment Courts
24 active now, the city as a whole is behind the
25 national curve. We commend the boroughs of Brooklyn,

1
2 Bronx, and Queens for having established and well
3 regarded Veterans Treatment Courts, and with this
4 court on Staten Island on the way, there is only one
5 borough that is currently without a Treatment Court,
6 Manhattan. And while it does have a veteran program
7 in the Midtown Court, it is insufficient to
8 adequately deal with the diverse issues that come up
9 when talking about veterans and the criminal justice
10 system. And we are encouraged by previous testimony-
11 -testimony by the Borough President in her support of
12 a Veterans Treatment Court in Manhattan. And IAVA
13 would urge Manhattan to establish a full Veterans
14 Treatment Court beyond the programs that are held for
15 misdemeanors only at the Midtown Court.

16 Without a court in every borough, we have
17 a system of justice in New York that isn't very just,
18 and is highly dependent on where you are arrested.
19 This is a problem t hat should be fixed promptly. If
20 New York City wants to be viewed as a model city for
21 veterans, it would be inappropriate to have just one
22 borough or one of our boroughs lacking such a
23 critical support system, Having two parallel justice
24 systems depending on where someone happens to be
25

arrested is unacceptable and not what veterans have
come to expect from the City of New York.

Again, we appreciate the opportunity to
offer our views on this important issue. We look
forward to continuing our work with each one of you,
your staff, and these committees to improve the lives
of veterans and their families in the City of New
York. Thank you for your time and attention.

CHAIRPERSON ULRICH: That's it?

JASON HANSMAN: That's it.

CHAIRPERSON ULRICH: You still have three
minutes. Did you want to--

JASON HANSMAN: [interposing] Brevity.

CHAIRPERSON ULRICH: I know, brevity. I
get more than three minutes, by the way. I can talk
for as long as I want to. [laughter] It's very
interesting that you brought up about the disparity
among the boroughs. It's a subtle point that we hope
to make today with this hearing, but I think it is
encouraging in the statement that the District
Attorney Cy Vance put out. That he is certainly open
and willing and, you know, wants to establish a
Veterans Treatment Court in the Borough of Manhattan.
But it does, you know, speak to the fact that today

1 if you're a veteran and you jump the turnstile in
2 Queens, you're going to get certain accommodation.
3 If you jump the turnstile outside City Hall, you may
4 not get the same accommodation. I just used that as
5 an example in that a veteran who is arrested for
6 committing a minor crime should not be treated
7 differently based upon where he or she lives, or
8 where that crime is committed, which is currently the
9 disparity that exists. So, hopefully I look forward
10 to the day that we have a Veterans Treatment Court, a
11 fully functioning Veterans Treatment Court in every
12 borough in the City of New York. But it's a very
13 complicated matter for a number of reasons. So
14 that's very important. I'm wondering if any of you
15 in particular have had any of your members or people
16 that you know who have gone through the Veterans
17 Treatment Court, or have had an experience with the
18 Veterans Treatment Court in one of the respective
19 boroughs, and what that was like. If they shared
20 that experience with you. Does anyone want to opine?
21 Anyone in particular?

22 [pause]

23
24 DAN SWEENEY: What I can tell you is
25 we've got a great-- He initially started as a

1
2 volunteer with the UWVC office and then became an
3 employee. To be quite honest, I don't know if he did
4 go through the court, but I know the model he
5 followed was heavily informed by what they do in the
6 court. And the bottom line is he had a mentor, and
7 he had somebody who was helping him identify and
8 access resources and benefits. That is one of the
9 most productive members of our office today. So I
10 know that that model works. It's the overlay that
11 should be applied to the VTCs and I think that we all
12 agree. And just waiting for the day when all five
13 boroughs can have it.

14 ANISE LEONARDO: I've worked with several
15 clients from all of the different Treatment Courts,
16 and depending on the type of crime and like you said
17 the location, it does differ. And I think we've all
18 just counted the disparity even in the ones that are
19 already existing. And, you know, not to get lost in
20 the specifics because I've worked with several cases
21 and they're all very different. But overall, there's
22 a lack of consistency, and it goes to, you know,
23 levels of competency or sensitivity to military
24 culture and even sometimes the treatment outcome, or
25 the continuum, which someone referenced. Towards the

1
2 end of treatment where they end up depending on the
3 resources that that caseworker has at that specific
4 court. So we would definitely recommend, you know, a
5 unified system of resources and accountability with,
6 you know, annual data collections. Something to kind
7 of make that more uniform across the boroughs,
8 because depending each client definitely has a very
9 different experience depending on which court they go
10 to.

11 CHAIRPERSON ULRICH: That's a very good
12 point, and something that even I didn't know, and a
13 lot of the members of the committee were unaware of.
14 The fact that of the Veterans Treatment Courts that
15 do exist currently that certain crimes are able to go
16 before those judges in some boroughs, and other
17 boroughs they're not. So that's something that I'm
18 very interesting. So the lack of uniformity aside
19 from the fact that it doesn't exist in all five
20 boroughs is an issue. Also, the issue of the service
21 providers. It appears to me, and the members of the
22 committee that the service providers vary depending
23 on the borough as well because it's up to the judge
24 and the VJO, and the District Attorney's office. And
25 the relationships that they have with certain service

1 providers. For instance, Queens utilizes Samaritan
2 Village. I don't know that Samaritan Village is
3 utilized by Bronx County. They may or they may not
4 be. I don't know, but the fact that we don't know
5 who those service providers are, and what type of
6 treatment they are providing, I think is also an
7 issue that we should follow up with each respective
8 DA and judge on. I mean it's just a-- There are so
9 many worthy organizations and mental health providers
10 and groups out there that are doing very good work.
11 But there really seems to be a lack of coordination
12 among them because they're all out there doing their
13 own thing, you know. I think if I could leave you
14 with just one advice or one ask-- Normally, you're
15 asking us for stuff, but we want to ask you to
16 encourage your members from Iraq and Afghanistan
17 Veterans, from the American Legion, from the Justice
18 Center for Vets, from your respective organizations.
19 United War Vets Council. The one who are able and
20 willing to volunteer as mentors that would be good
21 for it to actively encourage them to do so. So many
22 veterans who are active in our communities from our
23 VFW posts, American Legions, from our churches,
24 whatever they may be. They want to make a
25

1
2 difference, and they want to do more than make hot
3 dogs on the Fourth of July, but they just don't know
4 how, right? And this would be a really terrific way
5 for them to make a difference in somebody's life, and
6 to change that life for the better. You know, in my
7 capacity there are so many groups in my district that
8 were unaware that we even had a Veterans Treatment
9 Courts in Queens let alone that they could volunteer
10 to become an important part of it. So I know that
11 you do that already, but try to do it a little more.
12 That's all. Any questions? No. No other questions.
13 Maybe everyone left. What time is it? [laughter]
14 What time is it? I'm just kidding. All right, thank
15 you very much.

16 We're going to call up the next panel.
17 Peter Kempner; Cameron Mease; David Falcon, NYLAG.
18 Is that all?

19 SERGEANT-A-ARMS: That's it.

20 CHAIRPERSON ULRICH: That's all. You
21 saved the-- Well, I won't say that. All right.
22 This is the last panel to testify today.

23 [background noise, pause]

24 CHAIRPERSON ULRICH: I'll ask the Clerk
25 to administer the oath, and then Sergeant-at-Arms

will start the clock. We'll start from the right.

You can all raise your hand.

CLERK: Do you affirm to tell the truth,
the whole truth, and nothing but the truth in your
testimony before this committee, and to respond
honestly to council member questions?

PANEL MEMBER: I do.

PETER KEMPNER: Good afternoon, Council
Member Ulrich.

CHAIRPERSON ULRICH: Good afternoon.

PETER KEMPNER: My name is Peter Kempner.
I'm the Coordinator of Veterans Litigation and a
Senior Staff Attorney with the Veteran Justice
Project at Legal Services NYC. I'll give over the
part of my testimony that talks about our project, as
you well know, what we do.

CHAIRPERSON ULRICH: Give me the quick
notes.

PETER KEMPNER: [laughs] Well, I will say
one of the most exciting aspects of my work with the
Veterans Justice Project has been my involvement with
the Brooklyn Veterans Treatment Court. I proudly sit
on their Advisory Committee, and we formed a strong
bond with the court and with Veterans Justice

1 Outreach Coordinator. We often receive referrals
2 from both the court, and the VJ, the Veteran Justice
3 Outreach Coordinator, and many of the veterans who
4 participate in the Veterans Treatment Court have
5 civil legal services problems that potentially
6 undermine their stability and recovery and treatment.
7 Treatment Courts are problem-solving courts that
8 address the hardships faced by veterans in a holistic
9 manner, and the people who work for and with the
10 Treatment Courts know that veterans problems are not
11 limited to their involvement the criminal justice
12 system. Veterans often have difficulty securing
13 housing, maintaining their families, and income and
14 deal with other financial issues. These courts can
15 undermine everything a veteran is trying to achieve.
16 I mean these problems could undermine everything a
17 veteran is trying to achieve by participating in the
18 Veterans Court. And a veteran who is homeless, who
19 is facing eviction, who has no job or source of
20 income is much less likely to succeed in treatment
21 that those that are stable. These problems in
22 addition to the substance abuse and mental health
23 issues that lead the veterans to the Treatment Court
24 in the first place must be also addressed.
25

Furthermore, veterans can successfully tackle their civil legal problems if they had access to proper legal counsel, which is exactly what the Veterans Justice Project provides for veterans everyday. The Veterans Justice Project only provides assistance with civil legal matters. They don't do-- they don't represent criminal--veterans in criminal matters. But as a civil practitioner, I believe that the New York City Civil Courts could actually learn a very important lesson from what we see in the criminal courts. I know there's been a lot of discussion this afternoon about how we could better capture who is a veteran going through the criminal courts. But frankly, that issue is not being addressed at all in the civil courts. Nobody is asked whether they're a veteran or not when they're going through the civil courts. And really, my mind turns mostly to the Housing Courts. We have a tremendous number of programs here in New York City that are seeking to stabilize veterans in their housing programs. Such as myself where we do eviction and legal representation for veterans. There are programs such as SSVF, Supportive Services for Veterans' Families that provide eviction

1
2 prevention funds that provide rapid re-housing for
3 veterans who are evicted.

4 But many veterans who are eligible for
5 these services don't find their way to our door
6 because veterans who are going through the Housing
7 Courts are never asked are you a veteran? Have you
8 served in the military? And so, I actually look at
9 the criminal courts and think that they're doing
10 something right here that they're even-- You know,
11 even in a flawed way they're asking the question.
12 When the courts that I practice in aren't asking the
13 question at all. And so that's really what I want to
14 bring to the Committee's and the Council's Attention
15 here is there is a lot of discussion about these
16 other services for veterans. And we have to make
17 sure that it's not just veterans going through the
18 criminal justice system who are identified that we
19 ask the question of. It's veterans who are facing
20 all sorts of challenges, civil challenges especially.
21 We make sure that we don't add to the ranks of
22 veteran homelessness that we could prevent those from
23 happening in the first place. And so, that's the
24 message that I would like to impart today. Thank you
25 for the time.

CHAIRPERSON ULRICH: Before I forget,
does the City have jurisdiction over the Municipal
Courts? You know, I think it's a complicated thing.
I mean OCA is really-- I mean if this was OCA that I
was testifying to I think they would be the ideal
target audience, but I think certainly, you know, the
City can have influence over this. And I wish
Council Member Lancman was still here, but I would
hope that you would, you know, talk to him about
this.

CHAIRPERSON ULRICH: Like to the civil
court judges.

PETER KEMPNER: Yes. Well, so that would
be a good person to talk to about to over the dinner
table for sure. And so, but I think it's a
combination. I think the City could push OCA in that
direction and make sure that these services--that
veterans can find out about these services.

CHAIRPERSON ULRICH: What about Legal
Aid? Do they get assistance from Legal Aid?

PETER KEMPNER: In Housing Court?

CHAIRPERSON ULRICH: In the Housing
Court, yeah.

PETER KEMPNER: Well, you know, Housing Court is much different than the civil--than the criminal courts where there is no right to counsel. [bell]

CHAIRPERSON ULRICH: Yeah.

PETER KEMPNER: And so, you know, they are now rolling out some programs about assigning counsel to people in Housing Court, but it's not universal in the same way it is in Criminal Court. I think that would be a different thing if everybody did have the right to counsel, but they don't. But what I would like to see is, you know, maybe if we're going to select groups to have right to counsel, veterans may be amongst those groups that we would want to do that for.

CHAIRPERSON ULRICH: Sounds like a plan.

PETER KEMPNER: Uh-huh.

CHAIRPERSON ULRICH: Thank you.

PETER KEMPNER: You're welcome.

CAMERON MEASE: Good afternoon. My name is Cameron Mease and I'm a Trial Attorney with Brooklyn Defender Services in Brooklyn Borough. Our organization provides client-centered criminal defense, family defense, immigration, civil legal

services, social work support, and advocacy to more than 40,000 indigent Brooklyn residents every year. Now, Judge Ferdinand did a good job of introducing the topic of Brooklyn Veterans Treatment Court, but I will be able to give another perspective on that, the defense bar perspective. I have been a criminal defense attorney at BDS for four years representing clients facing misdemeanor and felony charges. When BDS-- When Brooklyn Defender Services' Executive Director, Lisa Schreibersdorf asked me to create a new specialized unit for veterans, I took on this role as challenge, but also as an honor. My own grandfathers were combat veterans and shared--and didn't share many of their experiences serving our country. My own personal experience, specialized trainings and my experience knowing and representing dozens of men and women who previously served our country give me a unique perspective about the issue of Veteran Treatment Courts. Now, many of the veteran clients I see in my practice have mental health and/or substance abuse issues that were caused by active duty. The most prevalent and pernicious are diagnoses mentioned today, Post-Traumatic Stress Disorder and Traumatic Brain Injury, TBI.

1
2 Individuals with such diagnoses often suffer from
3 depression and impulsivity, and lack of self-control
4 leading to situations and behaviors that can result
5 in an arrest. Or, those symptoms lead to substance
6 abuse, which then leads to an arrest as well. But
7 admittedly, an issue raised here today is that some
8 of my clients don't have a diagnoses that can be
9 pointed to to get us into the treatment part. And I
10 welcome any questions about that.

11 Ample research as well as Brooklyn
12 Defender Services' direction experience has
13 demonstrated that people with mental illness do not
14 fare well in jails or prisons. Veterans with PTSD or
15 TBI experience severe trauma due to the fact that the
16 jail environment is likely to trigger their illness
17 and greatly exacerbate their mental health symptoms.
18 It is our strong belief that special consideration of
19 veterans' experience must be integrated into any
20 court proceedings even the earliest. That was
21 something that was mentioned today as well. Getting
22 identification of these individuals at the earliest
23 stage arraignment long before any indictment or
24 anything like that. And you do also minimize the
25 time that such clients are incarcerated. From my

1
2 experience, the Brooklyn Veterans Treatment Court
3 provides critical avenues for healing and recovery to
4 those who deserve through this service such non-jail
5 and treatment based alternatives, and alternatives to
6 incarceration.

7 Now, it is important for those who work
8 in Brooklyn's Veterans Court the judges, the
9 assistant district attorneys, and the public
10 defenders have heightened appreciation for the plight
11 of our veteran clients. One of the two judges
12 adjudicating these cases is a veteran himself. The
13 other is Judge Ferdinand who we heard from earlier
14 today, and she shows great compassion in the court
15 part. For clients who may feel disillusioned or even
16 betrayed by a government system that they want to
17 risk their lives to protect, this last piece is
18 essential. When the judge sitting on the bench
19 thanks my client for his or her service to our
20 country during the first appearance in court, I can
21 see my client immediately stand up straighter and
22 listen more attentively. And Brooklyn Defender
23 Services strongly believes that success of any
24 Treatment Court requires that all new relevant actors
25 mentioned, judges, ADAs, defenders have a shared

1 mission, this mission being the creation of a
2 meaningful diversion plan and seeing clients through
3 to success--success in its completion. In that we
4 have been fortunate to have these common goals in
5 Brooklyn, and that we recommend that this be the
6 first ingredient in any similar court, with all
7 parties having the same-shared goals.

9 One of the essential functions of the
10 Brooklyn Veterans Treatment Court is that it is a hub
11 of community-based resources for our veterans clients
12 following the example of other veterans courts
13 including the highly successful Buffalo Court. Our
14 veteran clients are assigned a veteran mentor. That
15 is, of course, something that's been mentioned today.
16 These mentors are immediately able to connect with my
17 clients due to their similar prior experience. And
18 the fact that these mentors are made available tot he
19 clients just shows the client that we're investing
20 energy and resources in them, and makes them more
21 invested in their own treatment as well. So with the
22 success of our Veterans Treatment Court, and Supreme
23 Court for felony cases, we are now in the process of
24 establishing an analogous court part for
25 misdemeanors. I'm on the steering group, the

1 steering committee for this new court, and Brooklyn
2 Defender Services' point of view is very much heard
3 by the other stakeholder, prosecutors, judges,
4 program coordinates--program coordinators--

5
6 CHAIRPERSON ULRICH: Who are you working
7 with in the District Attorney's Office in Ken
8 Thompson's district?

9 CAMERON MEASE: All right Dave Heslin
10 [sp?] for the Misdemeanor Treatment Court, and he's
11 been very helpful. I spoke with him before coming
12 here today. I think he may have submitted something,
13 but he didn't have anyone here today to speak. So
14 for that Misdemeanor Court, we hope for a soft open
15 in the summer and an official open the week of
16 Veterans' Day. And I think that anyone that would be
17 invited to come and see how that court part works,
18 and how it will benefit your constituents. You know,
19 I can speak further if you need all those relevant
20 questions about our identification of clients who had
21 served right at arraignments, or any of the other
22 issues brought up by previous speakers who were
23 speaking about the defense bar.

24 CHAIRPERSON ULRICH: Mr. Falcon, NYLAG.
25

1
2 DAVID FALCON: Thank you, Chairman Ulrich
3 and staff. Good afternoon, and thank you for the
4 opportunity to speak about the city's Veteran's
5 Treatment Courts. My name is David Falcon and I'm a
6 Staff Attorney with the New York Legal Assistance
7 Group, NYLAG with the Veteran Legal Assistance
8 Project. As well, I am also a Tech Sergeant in the
9 New York National Guard at the 109th. NYLAG is a
10 non-profit law office dedicated to providing free
11 legal services in civil law matters to low-income New
12 Yorkers. NYLAG serves immigrants, seniors, the
13 homebound, families facing foreclosure, tenants
14 facing eviction, low-income consumers, those in need
15 of assistance, children in need of special education;
16 domestic violence victims, persons with disabilities;
17 patients with chronic illness or disease, low-wage
18 workers, members of the LGBTQ community, veterans,
19 Holocaust survivors, and others in need of free legal
20 services.

21 Specifically, NYLAG has two simultaneous
22 veterans projects. One is through our Legal Health
23 Division where we have the flexibility to actually
24 set up attorneys inside the veterans hospitals. So
25 we have legal clinics on a rotating basis all

1 throughout the New York area. And then my project
2 tries to reach out to veterans wherever they may be
3 within the five boroughs outside of the legal--the
4 veterans hospitals. I make it a point to show up
5 wherever I might find them, whether I'm partnering
6 with Samaritan Village or the IAVA or Catholic
7 Charities, I am able to have the flexibility to set
8 up shop anywhere in New York to meeting veterans to
9 serve their legal needs. I'm pleased to testify
10 today on the City's Veterans Treatment Court. It's
11 an innovative program that gives many veterans the
12 second chance they need to prevent a future of
13 turmoil. Many combat veterans, especially those that
14 served in Iraq and Afghanistan and returned to the
15 United States with undiagnosed Traumatic Brain Injury
16 or Post-Traumatic Stress Disorder. The VTCs adds an
17 essential layer of screening for mental health and
18 substance abuse issues for a veteran population.

19
20 But I would like to make a special note
21 that we must remember the many veterans that served
22 in the many conflicts of the 20th Century,
23 particularly our Vietnam Era veterans. I want to
24 emphasize the importance of this because many of
25 these veterans have suffered the indignity of decades

1 of indifference and lack of compassion. This is
2 compounded by the contemporary sentiment of good will
3 and support for our most recent generation of service
4 members. The VTCs can serve all veterans in need
5 from all generations, and present---prevent future
6 calamity, which could negatively impact the veteran's
7 family for generations if left unchecked. Left
8 untreated and often undiagnosed, these mental health
9 issues can severely affect a person's ability to lead
10 a normal life, and often cause a person to deep into
11 drugs and alcohol. While mental health and substance
12 abuse issues are not unique to veterans, the
13 treatment of these chronic issues within the veteran
14 population needs to be taken seriously. The Veterans
15 Treatment Courts offer an important model that gives
16 veterans the opportunity to turn their lives around
17 before a singular event puts them on a perilous road
18 of life.

19
20 In my capacity as Staff Attorney at
21 NYLAG, I work with civil legal issues such as
22 obtaining veterans benefits, dealing with housing
23 matters, helping with access to health care and
24 public benefits, consumer protection and advanced
25 planning. Many of the issues that I run into with my

clients would never come up or would have been far less severe had the veteran been given the opportunity that a VTC provides. The civil legal issues that I handle are often the direct result of untreated mental illness or substance abuse. The treatment that veterans receive while making regular appearances in court is vital to ensuring that they are able to leave the program with the skills necessary to cope with life after service. Support from the judges and from fellow veterans mentors, leave veterans with the necessary counseling and substance abuse treatment. This alternative to punitive sentencing will allow for a much easier time obtaining and maintaining well paying jobs. Graduates of the program will be less likely to require assistance from civil legal service organizations and they are less likely to need public benefits or city funding for eviction prevention.

The VTC ensure that ones that--especially one related to untreated mental illness caused or exacerbated by a person's time in service will not ruin an entire life. While I won't go into detail, I could speak personally as a fourth generation service member about the turmoil that untreated mental

1
2 illness or substance abuse from veterans could cause
3 a family for generations to come. I can just tell
4 you that it is deep, and it's long-lasting. You
5 know, it's a very personal matter to me, and I just
6 want to be able express that I recognize it, and I
7 know it. And I know that these Veterans Treatment
8 Courts are a way to kind of stem or at least cut off
9 the generations of turmoil that they create.

10 By intervening early and giving
11 comprehensive services through a single entity, the
12 VTCs give hundreds of veterans a second chance.
13 Recently, the City has made great strides in
14 increasing services to veterans. The City has
15 supported several organizations such as NYLAG to
16 reach out to more veterans in need. And now the City
17 must seize upon this opportunity to unify all five
18 boroughs by offering VTCs wherever a veteran may
19 live. An entire state like Alabama with a veteran
20 population exceeding that of our city can offer
21 comprehensive jurisdictional coverage for their
22 veterans. Surely, the city can do the same. I hope
23 that the city will continue to support the VTCs, and
24 ensure and expansion to all five boroughs. [bell]
25 Veterans who serve their country and risk their lives

deserve a second opportunity that this court can give
them. Thank you for the opportunity.

CHAIRPERSON ULRICH: Thank you, David.
Thank you for your testimony. Very quickly, have any
of you-- I know you're dealing primarily with civil
cases, but have any of you represented a veteran on a
criminal matter in any of the VTCs throughout the
boroughs? Have you had any experience? What is your
experience in the VTC?

PETER KEMPNER: Okay, so that's--

CHAIRPERSON ULRICH: All right, closer.
That's fine.

CAMERON MEASE: I'm--I don't work in
civil. I'm criminal and I work--I get all the cases--
not all of them, but I try to get all the relevant
cases from my colleagues that could go through
Brooklyn Veterans Treatment Court that only deals
with felonies right now that only deals with felonies
right now. But I'm on the steering committee for
setting up a misdemeanor court.

CHAIRPERSON ULRICH: I was curious more
about NYLAG and legal services.

CAMERON MEASE: My apologies.

CHAIRPERSON ULRICH: Any experience with
the VTCs first hand.

DAVID FALCON: Well, we-- Again, we
don't do any criminal law--

CHAIRPERSON ULRICH: [interposing] Right.

DAVID FALCON: --because of the
restrictions on our funding.

CHAIRPERSON ULRICH: And who do you refer
them to? You've got a veteran who comes to you, and
he's got a criminal matter--

DAVID FALCON: Well, receive referrals
from the Veterans Treatment Court. So where they
have veterans who--who are--who have the right to
counsel. So they're assigned counsel either through
Legal Aid or Brooklyn Defender Services or an ATV
[sic] panel. There are EBA representatives in that
criminal matter, but they also can find that they
concurrent civil cases. And so the Treatment Courts
will refer to us the civil cases and we will
represent them in the civil matter.

CHAIRPERSON ULRICH: We've been joined by
an honorary member of the Veterans Committee, Laurie
Cumbo from Brooklyn, who is here with a class of
students, right.

1

2

COUNCIL MEMBER CUMBO: From NYU.

3

4

CHAIRPERSON ULRICH: From NYU. So do you
want to say something about them or introduce them

5

or--

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7

8

9

COUNCIL MEMBER CUMBO: I just want to
welcome my--the visiting students from New York
University. They are here in a Cultural Governance
Program, and I wanted them to get a taste of City
Council and government. I wanted to bridge the
divide between art and culture and politics and
government. And to show them the wide range of all
the topics that are discussed here at the City
Council. So I could think of no other committee
better, nor befitting than this one to expand on.

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CHAIRPERSON ULRICH: It doesn't get
tastier than this.

18

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20

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COUNCIL MEMBER CUMBO: That's right. I
think we were talking about this committee saying how
interesting this discussion is. So I thank you for
your testimony today.

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CHAIRPERSON ULRICH: Thank you. Well, we
invite you to take all the briefing papers, copies of
which the sergeant-at-arms can provide, and also
testimony by members of the judiciary, elected

officials, stakeholders, veteran service officer, and advocates who are trying to implement a uniform Veterans Treatment Court throughout the City of New York. Which is a very innovative program that started in Buffalo, and we're very fortunate to have it in Brooklyn and the Bronx and Queens. We're going to have it in Staten Island, and we're looking forward to the day when it will be in full force in Manhattan. So it's--it's definitely making a difference in the City and in this country in reducing the rate of recidivism among veterans who commit crimes or fall through the cracks of the criminal justice system. And I'm glad that they got to see a part of it. And we just finished the panel. We have one more speaker, which we inadvertently omitted. And that's Lionelle Hamanaka. So thank you for your testimony, gentlemen.

CAMERON MEASE: Thank you, sir.

CHAIRPERSON ULRICH: This is our last person to testify. Representing Military Families Speak Out. We'll put the five minutes on the clock, and first we'll ask the-- Before we put the clock on, we'll ask the clerk to administer the oath.

CLERK: Can you raise your right hand,
please. Do you affirm to tell the truth, the whole
truth, and nothing but the truth in your testimony
before this committee, and to respond honestly to
council member questions? .

LIONELLE HAMANAKA: Yes. Thank you. I
came here to thank you very much for doing this. I
think it's great that all the committees are working
together across committee lines. I know Mayor
Bloomberg-- My name is Lionelle Hamanaka. I'm from
Military Families Speak Out. A charity formed in
2002 representing soldiers, families who served after
911, and the slogans were, Bring the troops home and
take care of them when they get here. I'd like to
just for one second observe the absence of somebody
who made a big difference in this city, Edward
Daniels. He was a pioneer in the area of seeking
justice for incarcerated veterans. And he did--a lot
of the work that he laid groundwork for is showing
positive results today. So, at any rate I wanted to
thank you for doing this, and it's really wonderful
when you get to do something creative and
groundbreaking, and this is a great opportunity for
our city to go forward. And for you to be at the

1 leadership of that. That's really great. So thank
2 you very much. I just want to point out a couple of
3 specific things. One of them is that most of the
4 people who get arrested with substance abuse
5 problems, PTSD are part of the national problem that
6 veterans have in not getting proper prompt care. I
7 know last year we had an estimate from this
8 committee, which was 462 wait--days wait to be seen
9 by the VA. And people--the fact that people self-
10 medicate is a human reaction, and then they get into
11 trouble for it because it's illegal. And they may
12 not be in--let's say control of their faculties
13 having gone through a traumatic experience. So there
14 is that-- And, of course, today we heard on the news
15 that there are 10,000 people in only one facility
16 alone that didn't get treated. That is veterans.
17 Okay. So the mentorship program that's really great,
18 and the mentors themselves receive a lot of help in
19 their own PTSD by helping other veterans. And also
20 in Chicago, where Tammy Duckworth was in charge of
21 the VA. You know she's a famous veteran who was
22 wounded in the recent conflicts. And she appointed a
23 lot of veterans in her system, and they did a lot of
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2 great work. They're continuing to do a great deal of
3 work, but they're paid.

4 A couple of years ago in one of these
5 hearings I did suggest--I wasn't the only person who
6 suggested that we do have a one-stop shop similar to
7 the program that they have in Rochester. So that,
8 you know, the people in the Veterans Department, if
9 it ever actually materializes and comes to fruition,
10 you might want to go there and see what they've done
11 because the judge--the esteemed judge that was
12 talking about his wonderful work in the Bronx just
13 said we should go there because it's an ideal
14 situation.

15 And the other thing was that as far as
16 catching people as soon as you can, Terrance Holliday
17 who was the former head of MOVA, one of the great
18 things that he did was he-- people in the armed
19 forces structure used to give him a phone call
20 whenever the veterans were coming back to New York.
21 So he would go out and meet the claims, and talk to
22 them in person. And I think that somewhere in the
23 network that kind of connection can be set up again.
24 Because it takes a lot of advertisement to get people
25 to commit to a program, and the more exposure people

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2 have and the sooner they have the better. Most
3 veterans just want to--soldiers just want to get out
4 of the service and come back and live their lives.
5 And they don't want to spend two more months in the
6 service going through some kind of screening for PTSD
7 or any other ailment. Anyway, thank you very much.

8 CHAIRPERSON ULRICH: Thank you very much
9 as always for being here, and thank you to all the
10 folks who came out to testify today. The next
11 hearing is scheduled for March 19. March 19. Mark
12 the calendars. Thank you very much. The hearing is
13 concluded. [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 February 28, 2015