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Gale A. Brewer, Borough President

**Testimony of Gale A. Brewer, Manhattan Borough President  
New York City Council Committee on Courts and Legal Services, the  
Committee on Veterans and the Committee on Mental Health.  
Oversight: Evaluating the City's Veterans Treatment Courts  
February 25, 2015**

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Good morning. My name is Gale A. Brewer and I am the Manhattan Borough President. Thank you to Chair Lancman, Chair Ulrich, and Chair Cohen and to the members of the Committees on Courts and Legal Services, Veterans, and Mental Health for the opportunity to testify.

I believe that all of us, as elected officials, private citizens, and as a society, owe a deep and very special debt to all those who have served in our military – regardless of whether they have served in war time or simply been prepared to do so. And when our Veterans find themselves facing criminal charges, we should provide them with a second chance and the resources they need to turn things around.

There are more than 100 Veteran Treatment (or Diversion) Courts in the U.S. The first such court in New York was established in Buffalo in 2008. Although denominated as a separate “court,” it is in fact a program administered by the Criminal Court system presided over by a judge with special training in Veteran’s issues. In contrast to most of the court system, the dockets are generally small and manageable. I understand that these Courts, which have been functioning in boroughs other than Manhattan since 2009, have

been a tremendous success. I am here to advocate for the establishment of such a court in Manhattan, and to commit myself and my office to do whatever we can to make that happen.

From a number of studies, we have some idea of how many of our Vets get into trouble and find themselves facing charges stemming from violent behavior and substance abuse. Among the causes, both Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI), which have become epidemic among Iraq and Afghan vets, are known to cause erratic and violent moods and acts. These conditions also frequently lead to self-medication through drugs and alcohol, another factor known to lead to violent and antisocial, often criminal behavior. But even where violence has poisoned the personality of these Vets, treatment can completely turn the situation around, whereas incarceration exacerbates these conditions, further destabilizing the lives of Veterans, their families, and creating risk for society at large. This cascading pattern of illness, substance abuse and violence appears to be depressingly common, and I was saddened to learn that some Veterans advocacy organizations have “incarcerated” chapters within the jail and prison systems.

A substantial number of our Veterans now return from service suffering from PTSD and/or TBI. A RAND study found that at least 20% of Iraq and Afghanistan vets suffer from PTSD, and a significant number of others are suffering from TBI. Regarding the prevalence of PTSD, another study found that “Among male and female soldiers aged 18 years or older returning from Iraq and Afghanistan, rates range from 9% shortly after returning from deployment to 31 % a year after deployment.” The study also found that Vietnam Veterans, an older cohort, reported lifetime rates of PTSD ranging from 10% to

30%. Still other studies have shown that only 50% of those suffering from PTSD ever seek treatment, and of those who do, only half receive even “minimally adequate” help.

As of the last census, there were 224,000 Veterans living within the five boroughs of New York City. So we know that there are thousands of unidentified Vets suffering as a result of their service. When that suffering leads them to commit crimes, we must see such acts as an opportunity to help them, their families and society by through treatment rather than punishment. The prognosis for an incarcerated Veteran with mental health and substance problems is dire. Whereas a Veteran who embarks on treatment and counseling is not only beginning to heal, but taking the first step to fully re-enter society and become a productive member of their community. Thus we must do more to identify Veterans who need the life-affirming intervention of programs like this as early as possible in their involvement with the criminal justice system.

There is agreement in the Veterans and criminal justice communities that these Treatment Courts are among the best things government has created for Vets. Two key components are:

1. Trained Mentors who are Vets themselves and can more readily establish bonds of empathy with an accused vet and communicate about his or her issues based on shared experience. The work of these Veterans-as- Mentors appears to be more effective than that of social workers or health professionals who lack a shared bond.
2. In the Veterans Courts, the judge routinely thanks the accused for their service. Recognition of a person’s contributions or human value is rare in our criminal justice system, but tremendously important in building self-esteem and trust

between the Court program and the accused. Each of us knows that when an

individual recognizes and accepts their human value they are much more likely to

be successful in changing their life for the better.

In addition to the offer of treatment in lieu of possible jail time, the accused Veteran is offered, through the Mentor program, assistance accessing Veterans' Administration benefits, including help with housing that can turn around the lives of entire families.

Clearly, these courts are a success, and I am anxious to see the program up and running in my borough. It is clear that the Veterans Courts work because of a commitment to succeed by all parties. The Judge and court personnel, the defense Bar and the District Attorney must be dedicated to helping the defendant seize a second chance and change their life for the better. I know that we have such dedicated stakeholders in Manhattan. We certainly have some of the finest judges, a fair and honorable District Attorney, and a bright and dedicated defense Bar. There is nothing that should stand in the way of the establishment of a Veterans Court in Manhattan. I am truly delighted and encouraged by the statement of support by District Attorney Vance, and look forward to working with him to make the Manhattan Veterans Court a reality.

On behalf of all Veterans residing in Manhattan, I look to the Council for its continuing support of the Veterans Courts, and for the creation of another in Manhattan.

Thank you.



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Gale A. Brewer, Borough President

January 9, 2015

Debra Hall-Martin  
Project Director II  
Manhattan Felony Treatment Court  
60 Lafayette Street  
New York, NY 10013

Dear Debra Hall-Martin:

I write to inquire about establishing a Veterans Treatment Court in the Borough of Manhattan. As you may know, Queens, Brooklyn, and the Bronx already have such courts and they all have been great successes.

It is my understanding that state and local courts and their respective prosecutorial authorities may apply for grants through the Bureau of Justice Assistance (BJA) of the U.S. Department of Justice to receive funding for Veterans Treatment Courts, Drug Courts and Mental Health Courts. In particular, the Justice Assistance Grant (JAG) Program allocated \$4,411,384 to the City of New York in the 2014 Fiscal Year.

In addition to providing financial assistance, BJA also collaborates with Justice For Vets, a non-profit organization, to implement its Veterans Treatment Court Planning Initiative (VTCP). Together, they provide organizational assistance to establish Veterans Treatment Courts, training for employees on their roles and responsibilities, and direction on how to individually shape each court to meet its local needs.

I look forward to discussing this issue with you further.

Sincerely,

Gale A. Brewer

cc: Hon. A. Gail Prudenti, Chief Administrative Judge, The New York State Unified Court System  
Valerie Raine, Director, Drug Court Program, Center for Court Innovation



## Leticia James

**Testimony to Committee on Veterans; Committee on Mental Health, Developmental Disability, Alcoholism, Drug Abuse and Disability Services; and Committee on Courts and Legal Services**

**Oversight Hearing—Evaluating the City's Veterans Treatment Courts**

**Wednesday, February 25, 2015 at 1:00 PM  
Committee Room - City Hall**

I would like to thank City Council Members Ulrich, Cohen, and Lancman, as well as their respective committees, for holding today's hearing to evaluate the City's Veterans Treatment Courts.

I am here today because Manhattan is the only borough without a dedicated Veterans Treatment Court (with the exception of boroughs currently in the planning stages). Judge Robert Russell, presiding judge of the Buffalo Drug Court and Buffalo Mental Health Court, created the nation's first Veterans Treatment Court in January of 2008 in response to the growing number of veterans appearing on his dockets who were addicted to drugs and/or alcohol and/or suffering from mental illness:

Approximately one year ago, on February 15, 2014 – six years after the creation of the first Veterans Treatment Court – Jerome Murdough, a Marine Corp Veteran died while baking in a 101-degree jail cell on Riker's Island. Cause of death? According to the Medical Examiner's Office, environmentally induced Hyperthermia; basically his body overheated because of critical exposure to heat over a prolonged amount of time. What was Murdough's Crime? A misdemeanor trespassing charge and an inability to post \$2,500 for bail.

Murdough, a Marine Corps Veteran, suffered from Bipolar Disorder and Schizophrenia. The prescribed medication that he was taking impeded his body's ability for thermoregulation; in other words, he was more sensitive to heat than others. This is why Murdough was placed in a mental health unit, so that he could be under constant observation. And this is where he died, because no one was around to observe him as his internal organs failed under the burden of a 101-degree jail cell.

It goes without saying, but, it must be said, Jerome Murdough did not deserve to die. This tragedy could have, and should have, been averted.

Veterans Treatment Courts follow the Drug Court model, a model that favors treatment over prison. In these courts, veterans receive access to specialized programs and services designed to get them back on track, all the while holding them accountable for their actions.



## Letitia James

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Veterans, when compared to the general civilian population, because of their involvement in combat are more likely to develop mental health issues; such as, Traumatic Brain Injuries, PTSD and Depression. 30 percent of Vietnam and 20 percent of Iraq and/or Afghanistan veterans suffer from combat related PTSD. 23 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 percent report misusing prescription medications.

These men and women volunteered to serve their nation; they volunteered to protect us from tyranny and terror. They bravely donned military fatigued uniforms and operated in conditions that we can never imagine. They fought for us, let's return the favor ... let's give them a fighting chance.

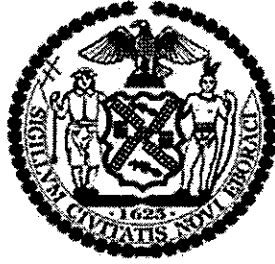
Research suggests that traditional community services may not be adequately suited to meet the needs of veterans in the criminal justice system. Veterans Treatment Courts have – in other boroughs and cities across the nation – proven their effectiveness. Veterans Treatment Courts have on countless occasions rehabilitated veterans and placed them in direct contact with V.A. 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 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 veterans associations concerning Mr. Murdough's case, I wrote to the Honorable Jonathan Lippman, Chief Judge of the State of New York, to request that the State Unified Court System reassess the feasibility of erecting a Veterans Treatment Court in Manhattan. I also recommended the system submit an application for funding to the Veterans Treatment Court Planning Initiative, which is designed to assist jurisdictions in the planning and development of Veterans Treatment Court programs throughout our city.

From my understanding, the only barrier to opening such a court in Manhattan is funding for staff. This is why I 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 the Veterans Treatment Court Planning Initiative, my letter referenced the United States Bureau of Justice Assistance, which in Fiscal Year 2013 issued \$2.5 million in grants for these courts. The New York State Health Foundation has also given funding to train court personnel.

Thank you again for holding this hearing and I will be continuing my work in getting a Veterans Treatment Court in Manhattan.



**FOR THE RECORD**

**Kenneth P. Thompson**  
District Attorney

**Oversight: Evaluating the City's Veterans Treatment Courts**

New York City Council Hearing  
Committee on Veterans  
Committee on Courts and Legal Services and  
Committee on Mental Health, Developmental Disability, Alcoholism,  
Substance Abuse and Disability Services

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*February 25, 2015*

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The Brooklyn District Attorney's Office is steadfast in its commitment to assist veterans. The men and women in uniform who serve our nation in conflicts abroad often return home and find difficulty assimilating back into the community. It's not due to a lack of effort but because many things in the life of the veteran have changed. Some have returned home deeply affected by their experiences and suffer from injuries as well as post-traumatic stress disorder. Often these veterans do not seek out assistance and self-medicate with alcohol and drugs in an effort to cope. And as a consequence, some find themselves involved in the criminal justice system.

To assist our programs and the courts in identifying veterans in the criminal justice system, the Brooklyn DA's Office developed, with the New York City Criminal Justice Agency, a screening procedure that provides judges, prosecutors and defense attorneys with the defendant's veteran status at arraignments. This early identification allows veterans in need of treatment better access to the appropriate treatment programs or court. The Brooklyn DA's Office also works closely with the Veterans Administration, (VA), and its healthcare system with the goal of having its system communicate more effectively with the District Attorney's Office. Through its criminal justice liaison, the VA can contact the Brooklyn DA's Office on a 24/7 basis if veterans under its care become involved

in the criminal justice system. This cooperative effort has gone a long way in ensuring that our veterans get the specialized care that they deserve.

The Brooklyn District Attorney's Office has a proven record of implementing diversion for offenders suffering from drug dependence and mental health disorders and partnering with the court system to provide effective treatment. Brooklyn has a comprehensive and robust network of effective treatment courts that offer treatment to eligible offenders for substance abuse and mental health treatment. Additionally, the Brooklyn DA's office provides treatment opportunities through our Drug Treatment to Alternatives to Prison program for predicate felony offenders and mental health treatment through TASC's EAC-LINK Program. Each of these venues and programs has and will continue to be available to treat veterans.

However, veterans are a special population and sometimes need extra services. Recognizing this, the Honorable Jo Ann Ferdinand who presides over the Brooklyn Treatment Court and her staff, along with the assistance of the Honorable Michael J. Brennan, developed a specialized Veterans Court in the Supreme Court that serves felony and misdemeanor offenders. This court has shown itself to be extremely successful. The Brooklyn DA's Office fully supports the work of this court and is extremely grateful for the hard work and dedication of its staff.

To further extend veteran treatment opportunities within the Brooklyn Court system the Brooklyn District Attorney's Office is currently collaborating with the staff of Brooklyn's Misdemeanor Treatment Court, the Honorable Craig S. Walker, the Honorable Frederick C. Arriaga, Brooklyn Defender Services, the Legal Aid Society and Veterans Administration to develop and implement a Veterans Court that will exclusively deal with veterans charged with misdemeanor offenses. This Court is in the planning stage and will hopefully be open to serve veterans in the fall of 2015.

The Brooklyn DA's Office's commitment to veterans extends beyond providing treatment opportunities for individual defendants. As a firm believer in evidence-based research, the Brooklyn DA's Office is assisting researchers from John Jay College and the Hunter-Bellevue School of Nursing to undertake a study that examines what type of services and treatments are best suited for veterans in the criminal justice system. It is hoped that this study will assist the Brooklyn DA's Office as well as our criminal justice partners in the shared goal of providing the best possible treatment opportunities for veterans.

Veteran's Court: Bronx County  
Drug and Mental Health Treatment

Presenter: Honorable John S. Moore  
Date: February 25, 2015  
Location: City Council Hearing

Good afternoon

Mr. Speaker and members of the council, I would like to thank you for inviting me to speak about Veteran's Court.

I have been a Judge for twenty-eight years. In fact, I was sworn in for the first time 28 years ago today by Former Mayor Koch.

I have presided over many Specialized courts including Juvenile Offenders, Domestic Violence, Sex Crimes and Child Abuse, Drug Treatment and Mental Health treatment but none has given me more personal satisfaction than Veteran's Court. The Veteran's Court began 18 months ago in the Bronx.

Our current case load includes about 30 cases. These are all cases involving Veterans who face felony charges. These defendant's are assessed by various clinical people to determine their eligibility for drug and or mental health treatment. Services are provided through the supervision of our drug court clinicians, our mental health clinicians or through the VA by our social worker who is employed by the VA. A written report is presented to the Court outlining the treatment issues as well as recommending a course of treatment.

The next step in the process is the entry of a felony plea with a court mandated treatment program. Sentencing is adjourned for 12 to 24 months to

allow for completion of the program. The court monitors the case approximately once a month by reviewing progress reports with the case managers, prosecutors and defense attorneys. Each Veteran also has a mentor, a retired Veteran who helps the individual to successfully complete treatment and also provides meaningful information to the Court.

Successful treatment results in a favorable disposition with the possibility of a dismissal of the case. For failure a jail alternative is required.

Upon successful completion of treatment a graduation ceremony is held and the Veteran is presented with a certificate and a ceremonial coin provided by the mentors.

The following is a more detailed description of the process.

## Bronx Veteran's Court at a Glance

The types of offenses that are handled by Bronx Veteran's Court fall into three categories : (1) CPL Article 216 cases where the Court has unbridled discretion; (2) Article 216 cases that require the consent of the District Attorney's office and (3) Non-Article 216 cases, which is the traditional plea bargain necessitating the consent of the District Attorney's office.

The first category involves cases brought under the Judicial Diversion statute which is found in CPL Article 216 . Defendants that charged by indictment or SCI, with a B,C,D or E felony defined in PL Article 220 221, or with one of the following "specified offenses" listed in CPL§410.91(5) are deemed eligible for Judicial Diversion: (1) PL §140.20 - Burglary 3; (2) PL §140.05 - Criminal Mischief 3; (3) PL §145.10 - Criminal Mischief 2; (4) PL §155.30 - Grand Larceny 4 (only as defined in subdivision [1],[2],[3],[4],[5],[6],[8],[9],[10]; (5) PL §155.35 - Grand Larceny 3 (except where property stolen is a firearm, rifle or shotgun); (6) PL §165.06 - Unauthorized Use of a Vehicle 2; (7) PL §165.45 - Criminal Possession of Stolen Property 4 (only as defined in subdivision [1],[2],[3],[5] and [6]; (8) PL §165.10 - Criminal Possession of a Stolen Property 3 (except where the property stolen is a firearm, rifle or shotgun); (9) PL § 170.10 - Forgery 2; (10) PL § 170.25 - Criminal Possession of a Forged

Instrument 2; (11) PL § 170.60 - Unlawfully Using Slugs 1; and

(12) An attempt to commit any of the above offense if such attempt constitutes a felony offense.

A defendant may not participate in judicial diversion, without consent of the prosecutor, if he/she:

(1) Has previously been convicted in the past 10 years of:

- a) A violent felony offense; b) PL §125.15 - Manslaughter 2;
- c) PL §125.12 - Vehicular Manslaughter 2; d) PL §125.13 - Vehicular Manslaughter 1; e) PL §125.10 - Criminally Negligent Homicide ;
- f) Any PL Article 130 Offense; g) Incest as defined in PL Article 255;
- h) Any PL Article 263 offense; i) PL §240.32 - Aggravated Harassment of an Employee by an inmate; j) A class A felony under PL Article 220, or

2) Has previously been adjudicated a second violent felony offender or a persistent violent felony offender , or

3) Is charged with one of the offenses listed in section 1 above for which the Court must sentence defendant to incarceration in state prison.

For defendants who are charged with crimes that are not enumerated in CPL Article 216, Mental Health and Drug Treatment can be provided by reaching a negotiated plea with the consent of the District Attorney. The Court's discretion

regarding these cases is limited by the same rules that apply to any negotiated plea bargain. The assessment process and monitoring of these cases follows the same protocol followed under CPL Article 216 which will be discussed in section IV of this outline.

The Application for Treatment begins with defense counsel filing an application for Judicial Diversion(see attached form). These applications for diversion are reviewed by the Court and are calendared the first Friday of every month, which is the Court's Veterans court calendar day. Once the Court is in receipt of the application, the Judge will; conference the case with the defense attorney and an assistant district attorney and will decide whether to order an assessment to determine clinical eligibility for drug or mental health treatment. Assessments usually occur on the same day as the conference. If the defendant is found eligible and a program for treatment has been selected by the clinical staff, the plea is taken and the case is adjourned for compliance. The Court will calendar the matter for compliance once a month or every two months depending on the specific needs of the case.

Clinical Services are provided by the Bronx Clinical Staff , TASC Mental Health and or the Veteran's Administration. Veterans with benefits are supervised by the VA and case managed by the social worker who is employed by the VA.

Initially, all defendants/potential participants that have been found to be legally eligible for services through Bronx Veteran's Court undergo a comprehensive psycho-social evaluation to determine whether or not their use of alcohol and/or other drugs, meets diagnostic criteria for substance abuse or dependence. In the event that a potential participant presents with significant mental health issues that might impede their ability to succeed in a traditional drug treatment program, they are referred to the TASC Mental Health court staff or our Social Worker from the Veterans Administration for an additional evaluation to determine whether the individual meets diagnostic/clinical criteria for treatment. For the most part, cases that are identified or tracked for Mental Health treatment follow the same process as those cases routed for drug treatment court. However the assessment of these defendants is handled by the TASC Mental Health Unit and or the Veteran's Administration (for Veterans's who are eligible for benefits).

Additionally, the assessment process of the mental health cases is slightly longer and referrals are made to programs that provide drug and mental health services or just mental health services. Lastly, the mandated treatment is slightly longer, 18 to 24 months. The plea requirements and sentencing ramifications mirror those of the defendant seeking classic drug treatment.

As soon as a determination is made that a defendant is clinically eligible for

treatment (traditional drug treatment, MICA treatment, or mental health treatment), the appropriate treatment provider is identified and a referral is made. Most new participants are referred for outpatient services. Participants are occasionally offered only residential treatment as an alternative to incarceration, either by the Judge or the DA. Additionally, participants who are homeless at the time of their assessment are always referred for residential services.

The available treatment options are as follows:

- Intensive outpatient treatment ...15-20 hours per week
- Outpatient treatment/adjusted day or evening schedule...for participants who are employed or in school
- Detox/rehab...when participants are unable to achieve/maintain abstinence in an outpatient setting (although referrals can be made by residential program as needed, on a case by case basis)
- Residential treatment...usually for a period of 9-12 months...although adjustments (shorter length of stay/longer of stay) can be made on as needed
- Upon successful completion of residential treatment, many participants are referred for outpatient aftercare services.

While participating in outpatient drug treatment, participants are drug tested twice per week to monitor abstinence from mind and mood altering substances.

Residential treatment programs do testing also, but it is done with less frequency.

All of the drug treatment providers used by the Court provides both individual and group counseling. Participants work on all life areas impacted upon by their use of substance and their involvement in the criminal justice system. The treatment providers work individually with the participants to evaluate vocational/educational needs and begin setting goals in these areas. Relapse prevention is an essential component of the treatment process.

Throughout the course of treatment, participants come to Court and programs are required to submit written progress reports for each court appearance. Each participants is assigned a Court case manager who is responsible for monitoring participant progress, or lack thereof. The Court case managers are responsible for all psycho-social assessment, all client level data entry, brief interventions either on Court appearance dates or at the request of the treatment providers, contact/communication with the treatment providers, and keeping the Judge informed in a timely manner. Court case managers are also responsible for all supervised drug testing done in Court. Although all Court case managers have backgrounds in drug treatment, they do not provide actual drug treatment in this setting. That is left to the treatment providers. What the Court case managers do offer is timely, accurate assessment, referral, additional support

and crises intervention. For Veterans with benefits, the Social Worker employed by the Veterans Administration serves as the case manager.

Once the screening process has been completed and the defendant is ready for placement , (in-patient or out-patient), the defendant then enters a guilty plea as a condition precedent to placement into treatment . If the defendant is charged with a felony, the negotiated disposition requires a plea to the felony and mandates 12 to 24 months of in-patient or out-patient treatment. Upon successful completion of the mandated drug treatment , the defendant will be permitted to withdraw the felony plea and would be permitted to plead to an A Misdemeanor and get a Conditional Discharge , or if the defendant did an outstanding job in treatment, the Court in its discretion could dismiss the charges. If, on the other hand, the defendant does not successfully complete the mandated drug treatment, the Court will impose the alternative sentence which includes a jail term.

Compliance with Drug/Mental Health Treatment is closely monitored by the Court. After a plea is taken and the defendant is placed in a treatment program the case is periodically reviewed for compliance. As part of the negotiated plea, the defendant signs releases authorizing the drug treatment programs to communicate with the Court , *viz a viz* defendant's participation in the program. Adjournments are generally for one to two months depending on the phase of treatment the

defendant is in. Drug Treatment is divided into three treatment phases. On the day the case is calendared for compliance, the Court reviews the progress report with the clinical staff prior to the calendar call. If the defendant is not in compliance, various sanctions can be imposed. For relapse the sanction can be as little as an essay or placement in rehabilitation for twenty eight days or an increase in care to in patient placement. For serious rule violations such as leaving the program against clinical advise or re-arrest, the Court can impose the agreed jail sentence. For defendants in full compliance, promotion certificates are awarded, i.e., Promotion to Phase 2 and Phase 3 or Hard Work certificates. Upon successful completion, the disposition is given as well as a certificate of completion.

The Addendum attached herewith was provided by Ms. Siobhan Morris, the Veterans Justice Outreach Coordinator (VJO). These are general guidelines that are proffered as suggestions to jurisdictions seeking to initiate a Veteran's Court Specialty Part. However, not all of these suggestions have been implemented and incorporated into the Bronx Veteran's Court.

### BVTC – Specific Issues

- Identification of veterans early in criminal justice process. Outreach and assess for VA health care eligibility and, if case is eligible, attorney and DA's office refer to BVTC. *CJA provides list of self-identified veterans to VJO to provide outreach in jails. Veteran signs ROI and gives VJO permission to share veteran's healthcare information with defense attorney.*
- VA substance abuse and mental health programs plus a strong alliance with community treatment partnerships provide array of options for all BVTC participants. *JD/T court team and TASC MH provide assessment, referrals and case management for all non-VA eligible veterans as well as collaborate with VJO on treatment plan if veteran is eligible for VA healthcare.*
- Housing. Documented homeless and VHA-eligible veterans are referred to HUD VASH housing program, provides Section-8 vouchers for permanent, independent housing. *VJO refers all eligible veterans to HUD VASH team for assessment as well as referrals to veteran-specific shelters (ex. Safe Haven) and transitional housing (ex. Patriot House)*

### The information below is taken from the JUSTICE FOR VETS website:

Most veterans are strengthened by their military service, but the combat experience has unfortunately left a growing number of veterans with Post-Traumatic Stress Disorder and Traumatic Brain Injury. One in five veterans has symptoms of a mental health disorder or cognitive impairment. One in six veterans who served in Operation Enduring Freedom and Operation Iraqi Freedom suffer from a substance abuse issue. Research continues to draw a link between substance abuse and combat-related mental illness. Left untreated, mental health disorders common among veterans can directly lead to involvement in the criminal justice system.

The Veterans Treatment Court model requires regular court appearances (a bi-weekly minimum in the early phases of the program), as well as mandatory attendance at treatment sessions and frequent and random testing for substance use (drug and/or alcohol). Veterans respond favorably to this structured environment given their past experiences in the Armed Forces. However, a few will struggle and it is exactly those veterans who need a Veterans Treatment Court program the most. Without this structure, these veterans will reoffend and remain in the criminal justice system. The Veterans Treatment Court is able to ensure they meet their obligations to themselves, the court, and their community.

## WHY A VETERANS-ONLY DOCKET?

### A Better Understanding

Veterans Treatment Courts allow jurisdictions to serve a large segment of the justice-involved veteran population as opposed to business as usual – having all veterans appear before random judges who may or may not have an understanding of their unique problems. Because a Veterans Treatment Court judge handles numerous veterans' cases and is supported by a strong, interdisciplinary team, he or she is in a much better position to exercise discretion and effectively respond than a judge who only occasionally hears a case involving a veteran defendant. A Veterans Treatment Court judge better understands the issues that a veteran may be struggling with, such as substance addiction, Post-Traumatic Stress Disorder, Traumatic Brain Injury, and military sexual trauma. A Veterans Treatment Court judge is also more familiar with the Veterans Health Administration, Veterans Benefit Administration, State Department of Veterans Affairs, Veterans Service Organizations, and volunteer Veteran Mentors and how they all can assist veteran defendants.

### Camaraderie among Those Who Served

Veterans Treatment Courts are tapping into the unique aspects of military and veteran culture and using it to the benefit of the veteran. Through these unique courts, those who served in our nation's Armed Forces are allowed to participate in the treatment court process with their fellow veterans, re-instilling a sense of camaraderie that they felt while in the military. The Veterans Treatment Court is the military unit: the judge becomes the Commanding Officer, the Veteran Mentors become fire team leaders, the court team becomes the company staff, and the veteran defendants become the troops. For those who have spent any time in traditional criminal courts, a visit to a Veterans Treatment Court is somewhat of a revelation. Veteran defendants are standing before the judge at parade rest, saying "Yes, ma'am/sir" or "No, ma'am/sir," and there is interaction with and support from their fellow veterans.

### One-Stop Shop

In addition, Veterans Treatment Courts act as a "one-stop shop," linking veterans with the programs, benefits and services they have earned. For example, the Veterans Health Administration's Veterans Justice Outreach Specialist, or VJO, is present during the court docket with a laptop computer able to access confidential medical records, make treatment appointments, and communicate this information to the court. Veterans Service Organizations and State Departments of Veterans Affairs assist veterans with additional local and state resources, while volunteer Veteran Mentors provide morale and motivational support. These team members are not employed by the criminal justice system and normally would not be present at the courthouse. Consolidating justice-involved veterans onto a single docket permits these individuals to actively support those in need of their help.

## The Impact

The wars in Iraq and Afghanistan have taken an unprecedented toll on our men and women in uniform. While most return home strengthened by their service, far too many struggle in their effort to readjust to life outside the military. Often, mental health issues are compounded by substance abuse, family strife, unemployment, and homelessness; ultimately leading to incarceration.

**Veteran Homelessness** - One third of America's homeless are veterans; on any given night 67,000 veterans are on the streets. The majority suffer from substance abuse, mental illness, or co-occurring disorders.

**Veteran Unemployment** -- The unemployment rate for post 9/11 veterans is 10%, which is higher than the national average.

**Veteran Suicide** - 22 veterans commit suicide every day in the United States.

**Military Sexual Trauma** - In 2010, over 19,000 sexual assaults were reported in the military and 108,121 male and female veterans screened positive for military sexual trauma. Over 20% of the women who serve in the military will be sexually assaulted.

**Veteran Mental Health Disorders** - Since 2004, the number of veterans being treated for mental illness and substance-use disorders has increased 38%. It is estimated that out of the over 2.4 million veterans of the wars in Iraq and Afghanistan, approximately 460,000 (20%) suffer from post-traumatic stress disorder (PTSD) or major depression.

**Veteran Substance Abuse** - One in six post 9/11 veterans, or 345,000, has a substance abuse problem. Prescription drug abuse among U.S. military personnel doubled between 2002 and 2005, and almost tripled over the next three years.

**Veteran Incarceration** - In a 2004 report, the U.S. Department of Justice estimated there are over 700,000 veterans under criminal justice supervision.

BRONX SUPREME COURT, CRIMINAL DIVISION  
DEFENDANT REQUEST FOR VETERAN'S COURT SCREENING  
(Top Portion to Be Filled Out By Client's Attorney)

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

Date: \_\_\_\_\_ Indictment #: \_\_\_\_\_ NYSID#: \_\_\_\_\_

1. Is there District Attorney consent for this screening?: \_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, Name of Prosecutor: \_\_\_\_\_ Date of Consent: \_\_\_\_\_

2. Are there any other pending indictments or misdemeanor cases?: \_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, Indictment #: \_\_\_\_\_ Docket #: \_\_\_\_\_

3. Client is charged: \_\_\_\_\_  
(see attached list of charges under "Eligibility for Program")

4. Client was convicted of exclusionary charge(s) within past ten (10) years:  
(see attached list of charges under "Exclusions") \_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, does Prosecutor consent to treatment with exclusionary charges?: \_\_\_\_\_

Name of Prosecutor: \_\_\_\_\_ Date of Consent: \_\_\_\_\_

5. Is client currently on probation or parole?: \_\_\_\_\_ YES \_\_\_\_\_ NO

6. Has Parole or Probation been contacted for consent?: \_\_\_\_\_ YES \_\_\_\_\_ NO

7. Obtain copy of DD Form 214 (Certificate of Release From Active Duty): See Attached Request

Branch of Military Service: \_\_\_\_\_

Date of Entry into Service: \_\_\_\_\_ Date of Discharge: \_\_\_\_\_

Characterization of Discharge: \_\_\_\_\_

Job in the Military (MOS): \_\_\_\_\_

Units Served: \_\_\_\_\_

Was Service in Active, Reserve, Guard?: \_\_\_\_\_

Was service in a deployed (combat) environment?: \_\_\_\_\_

When?: \_\_\_\_\_ Where?: \_\_\_\_\_

Awards/Honors: \_\_\_\_\_

Military Discipline: (Reprimands, Article 15's, Court Martial, etc.  
\_\_\_\_\_  
\_\_\_\_\_

Completed By: ( Attorney Name): \_\_\_\_\_ Date: \_\_\_\_\_

Screener's Conclusion:      Qualified \_\_\_\_\_      Not Qualified \_\_\_\_\_

Reason: \_\_\_\_\_

### CPL Article 216 Eligible and Ineligible Charges

#### Eligibility for Program

Eligible defendants are those charged, by indictment or SCI, with a B, C, D or E felony defined in PL Articles 220 or 221, or with one of the following "specified offenses" listed in CPL § 410.91(5);<sup>1</sup>

1. PL § 140.20 - Burglary 3;<sup>2</sup>
2. PL § 145.05 - Criminal Mischief 3;
3. PL § 145.10 - Criminal Mischief 2;
4. PL § 155.30 - Grand Larceny 4 (only as defined in subdivision (1), (2), (3), (4), (5), (6), (8), (9) and 10);
5. PL § 155.35 - Grand Larceny 3 (except where property stolen is a firearm, rifle, or shotgun);
6. PL § 165.06 - Unauthorized Use of a Vehicle 2;
7. PL § 165.45 - Criminal Possession of Stolen Property 4 (only as defined in subdivisions (1), (2), (3), (5) and (6));
8. PL § 165.50 - Criminal Possession of Stolen Property 3 (except where the property stolen is a firearm, rifle or shotgun);
9. PL § 170.10 - Forgery 2;
10. PL § 170.25 - Criminal Possession of a Forged Instrument 2;
11. 170.60 - Unlawfully Using Slugs 1; and
12. An attempt to commit any of the above offenses if such attempt constitutes a felony offense

#### Exclusions CPL 216.00 (1) (a), (b)

A defendant may not participate in judicial diversion, without consent of the prosecutor, if he/she:

- 1) Has previously been convicted in the past 10 years of:
  - a) A violent felony offense
  - b) PL § 125.15 - Manslaughter 2
  - c) PL § 125.12 - Vehicular Manslaughter 2
  - d) PL § 125.13 - Vehicular Manslaughter 1
  - e) PL § 125.10 - Criminally Negligent Homicide
  - f) Any PL Article 130 Offense
  - g) Incest as defined in PL Article 255
  - h) Any PL Article 263 offense
  - i) PL § 240.32 - Aggravated Harassment of an Employee by an inmate
  - j) A class A felony under PL Article 220
- 2) Has previously been adjudicated a second violent felony offender or a persistent violent felony offender.
- 3) Is charged with one of the offenses listed in section 1 above for which the Court must sentence defendant to incarceration in state prison.

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<sup>1</sup>CPL § 216.00 (1) refers to the specified offenses listed in CPL § 410.91(4), but this appears to be an error, as "specified offenses" are actually enumerated in CPL § 410.91(5).

<sup>2</sup>This applies to Burglary 3 offenses committed on or after 4/7/09.



Richard A. Brown  
District Attorney

**TESTIMONY OF**

**KAREN RANKIN, BUREAU CHIEF**

**NARCOTIC TRIALS BUREAU**

**QUEENS DISTRICT ATTORNEY'S OFFICE**

**BEFORE THE**

**NEW YORK CITY COUNCIL COMMITTEE ON  
VETERANS, FIRE AND CRIMINAL JUSTICE SERVICES,  
LEGAL SERVICES AND THE COURTS,  
AND MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM,  
SUBSTANCE ABUSE AND DISABILITY SERVICES**

**February 25, 2015**

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Good Afternoon, I would like to thank Council members Elizabeth Crowley, Chair of the Committee on Fire and Criminal Justice Services, Eric A. Ulrich, Chair of the Veterans Committee, Rory Lancman, Chair of the Committee on Legal Services and the Courts, and Andrew Cohen, Chair of the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services for giving me the opportunity to testify at this hearing on behalf of Queens District Attorney Richard A. Brown.

My name is Karen Rankin, and I am Chief of the Narcotic Trials Bureau of the Queens District Attorney's Office where I have worked since January of 1990. The Narcotic Trials Bureau - as the name suggests- concentrates efforts and resources to combat narcotic related crimes in Queens County. To that end, our bureau is assigned most of the felony narcotic and felony driving while intoxicated (DWI) crimes. However, we handle other types of crimes as well, which include, but are not limited to, Robbery, Assault, Attempted Murder and Burglary. The Bureau is also responsible for the development and implementation of office wide Alternative Sentencing programs offered to defendants by our office. The Director of Alternative Sentencing, Douglas Knight, and Supervising Assistant District Attorney Donna Myrill, who is here with me today, report to me and collaborate with the court and treatment agencies on a daily basis in overseeing all compliance with treatment programs associated with the Queens County Criminal Justice System, including our Veterans Court.

I am proud to say that District Attorney Brown has been a leader and continues to be a leader in diverting non-violent defendants into treatment as a way to assist and address the needs of those whose criminal behavior is motivated by substance abuse, alcohol abuse or mental health issues. Our office has a wide variety of alternative sentencing programs targeting particular types of offenders which I will discuss in more detail below.

In 2010 District Attorney Brown joined forces with Chief Judge Jonathan Lippman, then Nassau County District Attorney Kathleen Rice, and former Kings County District Attorney Charles Hynes, and others in an effort to assist veterans in the criminal justice system. I am sure you will agree that returning veterans deserve not only our gratitude and our praise, but our support. Many of them have witnessed first-hand the horror and devastation that war brings --and some have unfortunately, brought back with them deep emotional and psychological scars as a result of their experiences.

The initiatives that we are discussing, treatment alternatives to incarceration for veterans, are designed to demonstrate our concern and to assist returning veterans and their families. Some veterans, because of their invisible wounds, suffer from alcohol, substance abuse and mental health issues. These issues can lead to involvement in the criminal justice system and we are prepared to provide individualized treatment as an alternative to incarceration and offer continued support towards any efforts to implement veterans services city wide.

Queens County has been offering alternatives to incarceration to offenders in need of treatment since the early 1990's. The models and lessons we have learned in these programs have enabled us to apply them to new trends and new populations as required. What follows is a brief overview of our existing menu of alternative to incarceration programs.

### **DTAP - DRUG TREATMENT ALTERNATIVE TO PRISON**

The Drug Treatment Alternative to Prison (DTAP) program was developed in 1993 for non-violent second felony drug offenders whose involvement with the criminal justice system stems from their abuse of drugs.

The deferred sentencing model used for our DTAP program is also used for all of our Alternative to Incarceration programs. Under that model, each defendant is screened and assessed to determine whether they suffer from an addiction and the extent of that addiction. Before acceptance into treatment, which is a minimum of 12 months, the defendant must plead guilty and abide by the court-imposed requirements. The defendant will be monitored through frequent court appearances, to determine whether they are progressing with their treatment and complying with the other requirements. Drug testing is given periodically throughout the treatment process. Those who successfully complete treatment will be eligible to have their criminal cases dismissed and sealed, or charges reduced or sentences lowered. However, those who fail will be sentenced to an alternative jail sentence that was negotiated at the time of the plea.

In the years since DTAP has been in operation in Queens we have had over 1,100 participants and over 750 have graduated. Seventy-one percent (71%) of those who entered our DTAP program have successfully completed it.

### **QTC - QUEENS TREATMENT COURT**

In 1998, we launched a separate court, Queens Treatment Court(QTC), for non-violent first time felony offenders. It is a unique court part, in that all parties operate as a team. The judge, the prosecutor, the defense attorney, various staff members and treatment providers work together in a collaborative effort. They meet on a daily basis to discuss the defendant's treatment, progress, violations and to determine the best course of action to take in any given situation.

The court employs a system of graduated sanctions and rewards. Defendants who have not yet completed but are on a successful path find encouragement from the court and even the entire court staff. After a positive report is read in open court, a defendant will hear applause and

words of encouragement from the judge; receive reduction of treatment days, recognition certificate, and less frequent court appearances. On the other hand, a negative report can result in sitting in the jury box for the entire day to observe the proceeding and most drastically a temporary jail stay. This is meant to serve as a means to impress upon the defendant the importance of his actions and the consequences that flow from the violations.

The court also requires random drug testing and utilizes both residential and outpatient facilities in treating defendants. Additionally, the defendant is required to obtain a GED and legal employment. Once all requirements have been met and upon successful completion of the program, the defendant's case is dismissed and sealed. At this point, our hope is that we have given the defendant the necessary tools to cope with his or her addiction, to integrate into society and to live a drug free, law abiding and productive life.

In the seventeen years since our Drug Treatment Court has been in operation, over 2,400 otherwise jail bound individuals charged with felonies have been diverted into treatment. There have been over 1,750 graduates and more significantly, we have had a successful completion rate of over 78%.

### **QMTTC - QUEENS MISDEMEANOR TREATMENT COURT**

Because of our tremendous success with the felony treatment court, in 2002, we launched a misdemeanor treatment court which concentrates on the recidivist misdemeanant non-violent drug addicted population. This court exposes these participants to a structured graduated sanction approach to address the substance abuse issues that they continually struggle with over the years.

## **DRIVING WHILE INTOXICATED (DWI)TREATMENT COURT**

In 2006, we developed a DWI treatment court. This court operates out of Queens Treatment Court and specifically address the underlying alcohol related issues of DWI offenses. This initiative is for first time felony offenders where no associated physical injury has occurred. In addition to participating in a highly structured clinical model, the defendants are not permitted to drive during the pendency of the case and are required to rent and wear a Secured Continuous Remote Alcohol Monitoring (SCRAM) bracelet. The SCRAM bracelet is a passive, non-invasive tool that reliably and continuously monitors and measures alcohol consumption 24 hours a day, 7 days a week for an extended period of time. It is based on transdermal alcohol detection and measures alcohol excreted through the skin in the form of constant, unnoticeable perspiration.

Moreover, the DWI population will not receive a dismissal upon successful completion, instead he or she will be sentenced on a misdemeanor driving while intoxicated charge and receive three years probation along with license suspension, fine and other statutory conditions as listed in the Vehicle and Traffic Laws.

## **QMHC - QUEENS MENTAL HEALTH COURT**

We also provide services for those whose criminal behavior is motivated or complicated by mental health issues. Among the many services is the Queens Mental Health Court(QMHC). The court focuses on defendants who have mental health issues, especially those having an Axis I diagnosis, which indicates mental disorders such as bi-polar, major depressive disorder, post traumatic stress disorder and schizophrenia to name a few. The judge, prosecutor, defense attorney, psychologist and other staff members meet on a regular basis to review new referrals, current participant's treatment, medication and housing

plans, as well as a host of other associated issues. The defendant is expected to remain in treatment for a minimum of one year and upon successful completion the agreed upon alternative disposition is imposed. Many of these cases do not result in dismissal as is the norm in QTC. The reason for this departure is that many of these cases do not involve drug charges but involve other felony charges that include but are not limited to Assault, Robbery and Burglary which may involve injury or loss to victims. Additionally, the goal of the QMHC is to provide a compassionate forum to address the unique issues associated with mental illness. We endeavor to assist the defendant to understand the importance of medication compliance and to learn the necessary coping skills required for a productive life.

The Center for Court Innovation—which did a study of all New York’s drug courts—concluded that the Queens Treatment Court was among the best in the State. It has a remarkable impact on those who have gone through its program and it has produced among the lowest recidivism rates recorded in drug court history. As a result of this study and our very positive experience with alternative sentencing options we focused our attention on the veterans population.

### **QVTC -QUEENS VETERANS TREATMENT COURT**

District Attorney Brown launched the Queens Veterans Court in December 2010 in recognition of the enormous contribution that our veterans have made over the years to our nation’s safety and security. The Veterans Court operates out of our Queens Treatment Court and is presided over by Judge Marcia Hirsch who has years of experience handling treatment diversion for those with substance abuse and mental health issues. Donna Myrill, who is with me today, serves as the prosecutor assigned to the Veterans Court and there are dedicated defense personnel assigned as well.

The model for Veterans Court follows the highly successful Queens Treatment Court model. At the 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 asked the Criminal Justice Agency to inquire about past military status during their initial pre-arraignment conversation with those arrested for crimes. If the defendant appears to be paper-eligible and is interested in participating, he or she will undergo a clinical assessment for alcohol or substance abuse dependence and/or mental health issues requiring treatment.

We 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 community based treatment providers. In addition to these treatment services, we have worked closely with the Veterans Administration to provide outreach and peer support to veterans and their families during the treatment process. Each participant is also assigned a volunteer mentor who is a current or former member of the military from the same branch of service. As in our other programs, participants will, where appropriate, undergo periodic drug testing, make frequent court appearances, be subject to a variety of graduated sanctions for relapse or 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 criminal cases dismissed, charges reduced or sentences lowered depending on the nature of the case.

Since the inception of our Veterans Court, we have identified 100 potentially eligible cases and have placed 62 participants so far. Participants have come from every branch of the military. To date, 33 individuals have successfully completed treatment. Our retention rate in treatment is 94%.

A description of one of our recent cases will give you a better understanding of how Veterans Court operates and the difficulties that some of our veterans face. In 2011, John ( not his real name), an active duty member of the Army stationed at Fort Drum, and his wife and two others were arrested in Queens where they had traveled to purchase heroin. Police found 402 bags of heroin in the car. John was charged with felony drug possession.

When John entered the court system and was identified as a veteran, he was directed to the Veterans Court. During the screening of his case, 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 heroin because it was cheaper and easier to obtain.

Veterans Court conducted an assessment and found that John was suffering 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 the process and John did as well. He subsequently left the program without permission and was absent for two months. He was indicted for bail jumping. When he finally returned, he was given another chance. He took a plea to felony and misdemeanor bail jumping and was readmitted for residential treatment - this time at Phoenix House. This opportunity to start over was just what John needed. He successfully completed this program and upon graduation, his drug case and his felony bail jumping case were dismissed, He was sentenced to a conditional discharge on the misdemeanor bail jumping ( the condition being to stay out of trouble for one year) and was able to begin to build a new life free from addiction. It should be noted that because of his

participation in this program, he also received an honorable discharge from the military.

While we are very proud of what has been accomplished in Veterans Court, one of our challenges has been in identifying individuals in the criminal justice system as veterans. In our experience, many veterans are guarded about disclosing their military service or affiliation. This may be a result of embarrassment or disappointment about their current predicament. While we have tried to address this problem in a variety of ways - by asking Criminal Justice Agency to inquire, by conducting outreach with the defense bar and by working with the Veterans Administration, we believe it would be helpful for those jurisdictions that have a veterans court, to have access to appropriate professionals who can work with our offices to help identify veterans in the criminal justice system in need of treatment services. Having dedicated personnel who can identify paper eligible candidates at the earliest possible time will enable us to expand the scope of our court and provide treatment to more individuals in need.

It would also be extremely helpful to have dedicated personnel assigned to the Veterans Court who can help conduct screening and clinical assessments and serve as case managers. At present, we rely on the same staff who serve these functions for our substance abuse and mental health courts to also perform them for the veterans court. As caseloads grow, this can put enormous strain on the limited personnel in the court.

Yet another challenge has been in helping veterans to access services to which they are entitled as members of the service. These include financial entitlements, mortgage assistance, vocational and educational programs, quality health care and other vital needs. Any assistance in broadening the array of geographically accessible services

available to veterans who participate in and graduate from our Veterans Court would be greatly appreciated.

In sum, Queens is delighted to be counted among the jurisdictions that are working to provide humane and effective diversion and treatment programs to veterans who find themselves in the criminal justice system. We welcome any support that will assist this deserving population in addressing the trauma, addiction, and homelessness that they may suffer and enable them to live law abiding and productive lives.

Finally, we encourage any of you who are interested in learning more about the operation of these courts to come for a visit, meet with us and sit in on a court session. Thank you again for the opportunity to testify today. Donna and I are happy to answer any questions you may have.



OFFICE OF THE DISTRICT ATTORNEY  
RICHMOND COUNTY

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Feb. 25, 2015

**EVALUATING THE CITY'S VETERANS TREATMENT COURTS**

Committee on Courts and Legal Services

Jointly with the Committee on Veterans and the Committee on Mental Health, Developmental  
Disability, Alcoholism, Drug Abuse and Disability Services

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On behalf of Richmond County District Attorney Daniel M. Donovan, Jr., I want to thank 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 the service of all veterans, as well as all current members of the military, who have bravely served our country and defend 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 this great country, the prosecution of some of these men and women might 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, e.g., Mental Health Court and our Drug Treatment Court, have shown us that counseling, rehabilitation and mental health services may be appropriate options for some defendants convicted of non-violent crimes in an effort to stem the cycle of criminal activity.

Studies have indicated that wartime experiences by soldiers, sailors, and airmen, commonly described under the umbrella term of PTSD, post-traumatic stress disorder, may result in those returning vets experiencing homelessness, strained relationships with family and friends, and unemployment. Some return saddled with mental health problems, addiction to drugs and alcohol, which may at times propel them toward criminal behavior and subsequent contact with our criminal justice system.

In an effort to begin the process of identifying the population that might be served by a Staten Island Veteran's Court, the NYC Criminal Justice Agency (CJA) in 2014 agreed to the District Attorney's request to add an additional question of those people arrested for a crime in Staten Island, namely, whether they had prior military service. Since last spring, approximately 125 people have self-identified as having had such prior military experience.

A key architectural component of the Veterans Court is the inclusion of a mentor, a veteran him or herself, who can serve as role model, advisor, sponsor and supporter to the veteran during the vet's navigation not only through the criminal justice system, but also through life after military service. The District Attorney is confident that given the borough's many American Legion and VFW posts, we will have no problem finding veterans from each branch of the military willing to serve as such role models.

At the District Attorney's direction, I have been in contact with many people who have expressed interest in the creation of a Veterans Court on Staten Island:

- a member of the office's legal staff, who is an Army veteran;
- an alumnus of the office, a West Point graduate who retired from the Army as Lt. Colonel;
- the Staten Island branch chief of the Legal Aid Society;
- a retired NYPD detective, himself a former Marine, who is active in veterans' groups;
- members of the judiciary;
- a representative of Justice for Vets, a non-profit based in Alexandria, VA, which is a professional services division of the National Association of Drug Court professionals. This group specializes in planning and implementing a Veterans Court, assisting with program development, staff training, crafting policy, and creating procedural manuals;
- Judge Robert Russell of the Buffalo City Court (I recently traveled to Buffalo and met with Judge Russell, who introduced and still presides over the country's first Veterans Treatment Court. In my discussion with him, as well as in his

*“Leave No Veteran Behind”* Mentor Handbook, Judge Russell observed that veterans respond more favorably in a Veterans Court when they interact with other veterans who have shared similar experiences. The end goal, as Judge Russell put it, is to provide veterans with the tools they need to live successful, law-abiding lives.)

The creation of a Staten Island Veterans Court would be one aspect of fulfilling a broader social contract that our society has with those who have served our country. Entry into a Veterans Court after a sound, reasoned, and fair consideration of the possible causal connections between a veteran’s military service and the crime for which he or she is being charged, can assist the vet in getting back on track and return to being a productive member of society without compromising public safety.

District Attorney Donovan would welcome the support of the City Council as we would move forward in the planning, development, and implementation of a Staten Island Veterans Court.

Thank you.

< *End* >



**BROOKLYN  
DEFENDER  
SERVICES**

**TESTIMONY OF:**

**Cameron Mease – Criminal Defense Practice  
*BROOKLYN DEFENDER SERVICES***

**Presented before**

**The New York City Council**

**Committees on Veterans, Courts & Legal Services, and Mental Health**

**Public Hearing on Veterans Treatment Courts**

**February 25, 2015**

My name is Cameron Mease and I am a trial attorney with Brooklyn Defender Services (BDS). Our organization provides innovative, multi-disciplinary, and 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. I thank the New York City Council Committees on Veterans, Courts & Legal Services, and Mental Health for the opportunity to testify on New York City's Veterans Treatment Courts.

BDS is fortunate to have the support of the City Council, as well as other elected officials and the Office of Court Administration, to supplement the services we provide as the public defense office in Brooklyn for people who have been arrested, those who are facing child welfare allegations and those who are facing deportation. We have developed a model of specialization to best represent certain types of clients, most notably those with mental illness and those who are adolescents. Through specialized units of the office we provide extensive wrap-around services that meet the needs of these traditionally under-served clients in a comprehensive way.

I have been a criminal defense attorney at BDS for four years, representing clients facing misdemeanor and felony charges. When BDS's Executive Director, Lisa Schreibersdorf, asked me to create a new, specialized unit for veterans, I took on this role as a 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 history, specialized trainings, and my experience knowing and representing dozens of men and women who honorably served our country give me a perspective on Veterans Treatment Courts that is unique. I hope that my comments are helpful to the Council.

As you may know, veterans are arrested at a greater frequency than non-veterans. 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 diagnoses involve Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI). Individuals with such diagnoses often suffer from depression, impulsivity, and a lack of self-control, leading to situations and behaviors that result in an arrest. Such individuals frequently turn to chemical substances to cope with these symptoms, which can lead to allegations of drug possession or charges related to actions committed while under the influence of drugs or alcohol.

Ample research, as well as BDS's direct experience, has demonstrated that people with mental illness do not fare well in jails or prisons. Veterans with PTSD or TBI experience severe trauma due to the fact that the jail environment is likely to trigger their illness and greatly exacerbate their mental health symptoms. It is our strong belief that special consideration of veterans' experiences must be integrated into any court proceedings, in order to minimize the time such clients are incarcerated.

Brooklyn's Veterans Court started in 2009 and has been expanding its services and incorporating more and more veterans into its eligible pool of participants ever since. In the course of my representation of veterans accused of criminal acts, I often pursue admission to the Brooklyn Veterans Treatment Court. From my experience, the Veterans Treatment Court provides critical avenues for healing and recovery to individuals - my clients - who deserve, for their selfless service to our great nation, just, non-jail, evidence-based treatment interventions.

Based on my experience, this specialized focus is extremely helpful in reducing the long-term collateral consequences of a conviction, such as limited employment and educational options, loss of housing, deportation and loss of familial relationships. The targeted intervention of the Veterans Court also increases the likelihood of successful reintegration of veterans into community life, improves my clients' long-term treatment options, increases treatment compliance once the case is completed and reduces the chances of re-arrest.

Our Veterans Court currently accepts only cases in which our client is charged with a felony. Recently, the two judges who oversee these cases called for an enhancement of services and an expansion to other categories of cases, specifically misdemeanors, to better serve veteran offenders and communities. This expansion and enhancement effort is supported by our partners in the court: judges, prosecutors, and public defense organizations in Kings County. The broader range of opportunities for our veteran clients is seen by all the stakeholders as a way to both address the humanity of those who fought for our country and decrease the likelihood of their re-arrest.

As I will discuss later, I am proud to be part of the planning for the new misdemeanor Veterans Court, which is being formed because data from the Criminal Justice Agency shows that the vast majority of veterans who get arrested are facing these lower-level charges.

It goes without saying that the actors in Brooklyn Veterans Court - the judges, the Assistant District Attorneys and the public defenders - have enormous appreciation for the plight of our veteran clients. An Assistant District Attorney with the level of discretion necessary to authoritatively assess cases has been assigned to this task for many years and has developed the expertise to understand the unique considerations that go into such an assessment. One of the two judges adjudicating these cases is a veteran himself. Both judges strive to exercise great compassion and empathy in adjudicating cases. This is displayed in all of the protocols of the court, including the communication between judge and veteran-offender. For clients who may feel disillusioned or even betrayed by a government system that they once risked their lives to protect, this last piece is essential. When the judge sitting on the bench thanks my client for his or her service to our country during a first appearance in the court, my client immediately stands up straighter and listens more attentively. BDS strongly believes that the success of any treatment court requires that all personnel, from the judge, to the prosecutor, defense attorneys, court officers and service providers, have a shared mission: the creation of a meaningful diversion plan for clients and the facilitation of their success in its completion. We have been fortunate to have these common goals in Brooklyn and we recommend that this be the first ingredient in any similar court.

One of the essential functions of the Brooklyn Veterans Treatment Court is that it is a hub of resources for our veteran clients. These community-based services are really at the core of the solution for our clients and help them build ongoing relationships with the staff and judges in the treatment court. Following the example of other Veterans Courts, including the highly-successful Buffalo court, our veteran clients in the court are assigned a veteran-mentor. These mentors are drawn from a community of veterans, some of whom were previously incarcerated themselves. They are all volunteers and they help guide our clients through their treatment. These mentors are immediately able to connect with my clients due to their similar prior experience. The fact that such mentors are made available to my clients also signals to them that the court is invested in their success. This fact alone motivates many clients to direct their interest and energies into helping themselves. Utilizing community resources further widens the network of people that veterans can go to when they feel they need support, even after their cases have concluded. Community mentors are also uniquely well-positioned to engage a veteran client who might otherwise withhold information or be unwilling to seek assistance due to pride or misperceived notions about what they are experiencing.

Through the Veterans Court, my clients are connected with VA services and benefits that will be useful to them for the rest of their lives. Many were not even aware of their right to receive these benefits. Clients of BDS are also helped through our in-house services, including access to immigration and housing lawyers and social workers who specialize in the issues facing our clients and their families. We believe that the greater the services provided to these clients, the better the chance of successful re-entry into the community.

In many cases in Brooklyn, our District Attorney sees fit to dismiss a case after an eligible defendant completes the treatment mandate and is on a better path, including becoming connected to the veterans community-at-large. This is a significant advantage to our client, who is now able to move on with his or her life without the burden of a criminal conviction and the limitations such a conviction can place on his or her life. There are also cases where outright dismissal is not offered and our prosecutor believes that ensuring the offense is recorded on the

client's record is important to public safety. Even in such cases, the experience of Veterans Court has been a win-win for everyone. My client will still have received much needed services and has potentially turned a bad situation into a motivating factor to improve his or her life. In all cases, the court is assured of compliance through strict monitoring procedures and the prosecutor can know that a person who may have been dangerous has now received the help and treatment he or she needs to be safe to the community. In addition, our society can feel good that someone who risked their life for our country is being treated with the dignity and compassion we want for our veterans.

With the success of our Veterans Treatment Part in Supreme Court, we are now in the process of establishing an analogous court in misdemeanor Criminal Court. Brooklyn has a great deal of experience in a multitude of specialized treatment-based courts, a factor that helps us move through a collaborative planning and implementation process quickly and effectively. I have been included in the process for this new treatment court and BDS' point of view and ideas are very much heard and incorporated by the other stakeholders. We would like to emphasize this point because it is the opinion of BDS that defense participation in planning a treatment court is essential in forming a strong and fair court that is successful over the long term.

We hope for a "soft open" of the new misdemeanor veterans court this summer and an official open the week of Veterans Day. I know that this expansion to misdemeanor cases will allow us to reach and benefit an even greater number of veterans in need of help and rehabilitation in Kings County. As we continue to develop these specialized parts in Brooklyn, I hope that you, as elected officials, will visit our court and see how your veteran constituents can benefit.

The drawdown of deployments in our conflicts abroad means the return of many more veterans to New York City. These men and women are coming home from combat situations without the benefit of adequate transition time or of the type of programming that may help them cope with the enormous adjustment they must make. Many of these individuals have had multiple deployments and are not even aware of the toll that the experiences had on them. Coming home, there is always a chance that they will commit an act that is not really in their nature, but that is rather a result of the stresses they are under or the ways in which they cope with such stress—namely drugs or alcohol. This is why it is more important than ever that the successful and effective use of Veterans Courts be continued and expanded.

I am grateful for your time and for this opportunity to speak on a topic that has provided the most meaningful experience of my professional career. I hope that you will do all that is in your power to secure effective treatment to help all of the brave New Yorkers who served this country and who deserve compassion, kindness, mercy and our gratitude.

**New York City Council Hearing**  
**Committee on Veterans, Committee on Courts and Legal Services and the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services**  
**Tuesday, February 25, 1:00 p.m.**  
**Testimony RE: Oversight: Evaluating the City's Veterans Treatment Courts**

Good afternoon. My name is Peter Kempner. I am the Coordinator of Veterans Litigation and a Senior Staff Attorney with the Veterans Justice Project (VJP) at Legal Services NYC. Legal Services NYC is the largest provider of free civil legal services in the nation with offices in all five boroughs where we serve over 60,000 New Yorkers annually.

The VJP represents low-income veterans, active duty service members and their families who are in need of civil legal services in the areas of housing law, public benefit eligibility, and employment law and with other essential needs. Our attorneys and paralegals answer calls on our city wide legal hotline for veterans and staff multiple legal clinics at VA facilities throughout the city. Since launching this project less than four years ago, we have served or represented over 4,000 New York City veterans, active duty service members and their families.

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 the Advisory Committee for the Brooklyn Veterans Treatment Court and the VJP has formed a strong bond with the Court and with the Veterans Administration's (VA) Justice Outreach Coordinator. We often receive referrals from both the Treatment Court and from the VA's Justice Outreach Coordinator.

Many of the veterans who participate in the Veterans Treatment Courts have civil legal problems that potentially undermine their stability in recovery and treatment. Treatment Courts are problem solving courts that address the hardships faced by Veterans in a holistic manner. The people who work for and with the Treatment Courts know that a veteran's problems are not limited to their involvement with the criminal justice system. Veterans often have difficulty securing housing, maintaining their family and income and deal with many other financial issues. These problems can undermine everything a veteran is trying to achieve by participating in the Veterans Court. A veteran who is homeless, who is facing eviction, who has no job or stable source of income is less likely to succeed in treatment. These problems, in addition to the substance abuse and mental health issues that led the veteran to the Treatment Court in the first place, must be addressed. Furthermore, veterans can successfully tackle their civil legal problems if they have access to proper legal counsel, which is exactly what the VJP provides for veterans every day.

Legal Services NYC  
40 Worth Street, Suite 606, New York, NY 10013  
Phone: 646-442-3600 Fax: 646-442-3601 [www.LegalServicesNYC.org](http://www.LegalServicesNYC.org)  
Raun J. Rasmussen, Executive Director  
Michael D. Young, Board Chair

The VJP only provides assistance with civil legal matters. We do not represent veterans in criminal matters. As a civil practitioner, I believe that New York's civil courts, especially the Housing Courts, could learn an important lesson from the treatment of veterans in the criminal courts. The criminal courts and the Office of Court Administration screen each defendant for veteran status in order to divert veterans involved in the criminal justice system to the Veteran Treatment Courts for assistance. This same principle could be applied effectively in the civil context to achieve the same goals.

There are numerous programs and services throughout the City to assist veterans facing eviction. Many veterans do not know about these programs and may never hear about them if they are not asked if they served in the military. There are legal service providers, like the VJP and others, that provide free civil legal services to veterans facing eviction. There are eviction prevention services such as the VA funded Supportive Services for Veterans Families programs, which provide eviction prevention funds and rapid rehousing services for recently evicted veterans. There is a special veteran job center at the New York City Human Resources Administration that caters to the neediest of veterans.

Sadly, many veterans never learn of these great services or hear of these services when they may have already been evicted or lost their job. Whether a person is a veteran should not be initially discovered when they are being processed by the Department of Homeless Services for a placement in a city shelter. A person's veteran status should be known at the outset to prevent that veteran from becoming homeless in the first place.

If every tenant in housing court is asked whether they or a member of their household served in the military, we can ensure that New York City's veterans find the help they need, much like they do in the Veteran Treatment Courts.

The screening for veteran status in the civil courts would accomplish many of the same goals discussed at the recent hearing the Committee on Veterans held on February 10, 2015 regarding Int. 600, which would require that certain city agencies report the number of veterans they serve.

We thank the Committees and the Council for holding this hearing and trying to ensure that no veteran in New York City slips through the cracks.

Peter Kempner  
Coordinator of Veterans Litigation and a Senior Staff Attorney  
Veterans Justice Project, Legal Services NYC



**Testimony by the New York Legal Assistance Group (NYLAG)**

**Before the New York City Council Committee on Committees on Veterans, Courts and  
Legal Services, and Mental Health**

**Oversight – Evaluating the City’s Veterans Treatment Courts**

**February 25, 2015**

Chairs Ulrich, Lancman and Cohen, Council Members, and staff, good afternoon and thank you for the opportunity to speak about the City’s Veterans Treatment Courts. My name is David Falcon and I am the Staff Attorney at the New York Legal Assistance’s Group’s (NYLAG) Veterans Legal Assistance Project, as well as a Tech Sergeant in the New York Air National Guard at the 109<sup>th</sup>. NYLAG is a nonprofit law office dedicated to providing free legal services in civil law matters to low-income New Yorkers. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, tenants facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-wage workers, members of the LGBTQ community, veterans, Holocaust survivors and others in need of free legal services.

I am pleased to testify today on the City’s Veterans Treatment Courts (VTC), an innovative program that gives many veterans the second chance they need to prevent a future of turmoil. Many combat veterans, especially those that served in Iraq and Afghanistan, return to the United States with undiagnosed Traumatic Brain Injuries or Post-Traumatic Stress Disorder. The VTC adds an essential layer of screening for mental health and substance abuse issues for our veteran population. But, I would like to make special note that we must remember the many veterans that served during this the many conflicts of the 20<sup>th</sup> century, particularly our Vietnam era veterans. I want to emphasize the importance of this because many of these veterans have suffered the indignity of decades of indifference and lack of compassion. This is compounded by the contemporary sentiment of good will and support for our most recent generation of

veterans. The VTCs can serve all veteran in need from all generations, and present future calamity, which could negatively impact the veteran's family for generations if left unchecked.

Left untreated, and often undiagnosed, these mental health issues can severely affect a person's ability to lead a normal life, and often cause a person to turn deeper into drugs and alcohol. While mental health and substance abuse issues are not unique to veterans, the treatment of these chronic issues within the veteran population needs to be taken very seriously. The Veterans Treatment Courts offer an important model that give veterans the opportunity to turn their lives around before a singular event puts them on a perilous road for life.

In my capacity as a Staff Attorney at NYLAG, I assist veterans with civil legal issues, such as obtaining veterans' benefits, housing matters, access to health care and public benefits, consumer protection and advance planning. Many of the issues I run into with my clients would never come up, or would have far less severe consequences, had the veteran been given the opportunity that the VTC provides. The civil legal issues that I handle are often the direct result of untreated mental illness and 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 link 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 services organizations and less likely to need public benefits or city funding for eviction prevention. The VTC ensures that one mistake; especially one related to untreated mental illness caused or exacerbated by a person's time in the service, will not ruin an entire life. While I will not go into detail, I could speak personally as a fourth generation servicemember, about the negative consequences that unchecked substance abuse and mental health issues can have on a veteran's family.

By intervening early and giving comprehensive services through a single entity, the Veterans Treatment Courts give hundreds of veterans a second chance. Recently, the City has made great strides in increasing services to veterans. The City has supported several organizations, such as NYLAG, to reach more veterans in need. Now, the City must seize upon this opportunity to unify all five boroughs by offering Veterans Treatment Courts wherever a

veteran may live. If an entire state like Alabama, with a veteran population exceeding that of our, can offer comprehensive jurisdictional coverage for their veterans, surely this City can do the same.

I hope that the City will continue to support the Veterans Treatment Courts and ensure an expansion to all five boroughs. Veterans who have served their country and risked their lives deserve the second chance opportunity that this Court can give to them.

Thank you for the opportunity to testify today.

Respectfully submitted,

David Falcon, Staff Attorney, Veterans Legal Assistance Project



CYRUS R. VANCE, JR.  
DISTRICT ATTORNEY

**FOR THE RECORD**

DISTRICT ATTORNEY – NEW YORK COUNTY

**Statement by Manhattan District Attorney Cyrus R. Vance, Jr.  
Regarding the City's Veterans Treatment Courts**

"Our nation owes a great debt and much gratitude to our veterans. As I have publicly stated before, I fully support any initiative by the Office of Court Administration (OCA) to create a full-fledged Veterans Treatment Court in Manhattan. Last fall, senior members of my Office met with representatives of the Veterans' Administration to express our support for a Veterans Court. I welcome the opportunity to partner with OCA on this important initiative."

Testimony of Loree Sutton, M.D., Brigadier General, U.S. Army, Retired

Commissioner of the Mayor's Office of Veterans' Affairs

Before the New York City Council Committees on Courts and Legal Services, Mental Health,  
and Veterans concerning

**Oversight – Evaluating the City's Veterans Treatment Courts**

**1:00pm, Wednesday, February 25, 2015**

**Committee Room, City Hall**

Good afternoon, Chairman Lancman, Chairman Ulrich, Chairman Cohen and the members of the Committees on Courts & Legal Services Veterans, and Mental Health. My name is Loree Sutton, and I serve as Commissioner of the Mayor's Office of Veterans' Affairs. I appreciate your leadership and look forward to sharing my perspective about 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 inter-agency collaborations, reflecting the Mayor's leadership ethos and determination to break down the silos that so often characterize organizational bureaucracies, include MOVA's partnership with the Department of Small Business Services to foster successful veteran business ownership opportunities; our partnership with the Department of Consumer Affairs to recognize and strengthen actions to thwart financial predators from exploiting veterans and their families; our partnership with the Mayor's Office of Contract Services to improve contract performance in the procurement process; and our City-wide public-private partnerships in support of the Mayor's pledge to end veteran homelessness. And this is just the beginning.

Moving ahead to today's topic, I first learned about Veterans Treatment Courts (VTC) in 2008 while serving as Director of the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, when New York's own Honorable Judge Robert Russell started the first VTC in Buffalo, NY, catalyzing a national movement. Building upon two decades of success with Drug and Mental Health Courts, started in Florida by former Attorney General Janet Reno, Judge Russell recognized the clear need to provide an alternative path to incarceration for Veterans who could benefit tremendously from judicial supervision, therapeutic programs, social

support, clinical therapy, and, when indicated, pharmacological treatment (including methadone or buprenorphine for opioid dependence) while still being held accountable for their actions. Involvement with the criminal justice system for veterans is often related to service-connected and underlying mental health and substance abuse issues that either stem from or have been exacerbated by experiences in uniform, which of course can include being wounded, ill or injured, whether or not an individual is engaged in or exposed to combat operations.

Just a few years later, with over 200 Veterans Treatment Courts around the country, a number that continues to grow, countless servicemen and women struggling with the psychological, physical and spiritual sequelae of deployment experience have been able to turn their lives around and continue their ethos of service as leaders within their home communities. Through Judge Russell's leadership by example, the New York State Unified Court System has responded accordingly to this challenge with the creation of Veterans Treatment Courts. The aim of these courts is to address these underlying issues and connect veterans to the services and support they need. The Veterans Treatment Courts strike a balance between upholding the rule of law and providing treatment services for these men and women to whom society remains indebted.

Having visited two of New York City's Veterans Treatment Courts (Brooklyn and the Bronx), it is clear that the essential components, and the key to the success of the Veterans Treatment Court model, are the role of the peer veteran mentors and the collaboration with the US Department of Veterans Affairs and other veteran service agencies. Veteran mentors share a common frame of reference with respect to their shared experiences in the military which allows them to effectively engage participants, act as a resource and guide to navigating the courts, help participants maintain focus on their treatment, assist in navigating the challenges of adjusting to a healthy and productive civilian lifestyle, and finally successfully graduating from Veterans Treatment Court. Their contribution to the Veterans Treatment Courts is immeasurable and must be witnessed to truly appreciate.

One of MOVA's team members, Latisha Russaw, who serves as a volunteer peer mentor at the Bronx VTC, describes her experience as "fulfilling beyond measure, particularly when working with veterans, men and women, to reunite families and break the destructive cycle of addiction. This program saves lives."

Establishing and operating a Veterans Treatment Court requires commitment and by the entire Court system as well as Department of Veterans Affairs healthcare networks, Veterans Justice Outreach Specialists, the Veterans Benefits Administration, State Departments of Veterans Affairs, peer veteran mentors and veterans service and family support community organizations. It requires a systems perspective to understand and leverage the complex relationships among individuals and organizations with widely differing roles, professional specialties, agency and community affiliations as well as levels of government working in cooperation to achieve better outcomes in serving those who have served us.

It reminds me of the vital work in progress launched by the Mayor's Office of Criminal Justice in convening the Task Force on Behavioral Health and 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 NYC 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 and 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 whole operates.

As the MOVA Commissioner, I am excited to participate in this historic endeavor, representing the needs of veterans and their families and applying resilience-informed approaches that empower communities and individuals across the system, moving the front line of intervention from the clinic to the community. Naturally, keeping veterans out of the criminal justice system to begin with benefits all involved.

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

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 2/25/15

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Name: Gale A. Brewer

Address: 1 Centre St. NY NY

I represent: Manhattan Borough Pres

Address: \_\_\_\_\_

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Name: Public Advocate's office - Oswaldo

Address: 1 Centre St 1 Pereira

I represent: Public Advocate Letitia James

Address: \_\_\_\_\_

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Name: DAVID FALCON

Address: 7 HANOVER SQ 18<sup>TH</sup> FL NY NY 10004

I represent: NEW YORK LEGAL ASSISTANCE GROUP

Address: \_\_\_\_\_

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Date: 25 Feb 15

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Name: SCOTT SWAIM / Vets Cont

Address: Alexandria, VA

I represent: Justice for Vets

Address: ALEXANDRIA, VA

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Name: DAN MCSWEENEY

Address: 521 W. 111th ST. NYC

I represent: UNITED WAR VETERANS COUNCIL

Address: 346 BROADWAY NYC

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Name: DONNA MYRILL

Address: 125-01 Queens Blvd.

I represent: Queens District Atty Office

Address: 125-01 Queens Blvd

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Name: Karen Kankun

Address: Queens District Attorney's Office

I represent: DA Richard Bragg

Address: 125-41 Queens Blvd

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Name: Jason Hansman

Address: 27-10 Ventown Ave; Astoria

I represent: Irish and Afghan War Veterans of America

Address: 292 Madison Ave; 10<sup>th</sup> Floor

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Name: CAMERON MEASE

Address: 177 Livingston St Brooklyn NY

I represent: Brooklyn Defender Services

Address: \_\_\_\_\_

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Name: Ble Kampas

Address: 105 COURT ST. BROOKLYN NY

I represent: LEGAL SERVICES NYC

Address: \_\_\_\_\_

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Date: \_\_\_\_\_

(PLEASE PRINT)

Name: HON. DAVID S. MOORE

Address: 265 E. 161<sup>ST</sup> ST BROOKLYN NY

I represent: BROOKLYN VETERAN'S COURT

Address: SAME AS ABOVE

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Date: \_\_\_\_\_

(PLEASE PRINT)

Name: FRANK LaMarsh-

Address: 324 CORTELYOU AVE S.I. 10312

I represent: AMERICAN LEGION DEPT NY

Address: \_\_\_\_\_

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Date: \_\_\_\_\_

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Name: LORRE SUMTON

Address: 246 BROADWAY NY, NY

I represent: 110VA

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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VETERANS COUNCIL ☒ in favor ☐ in opposition

Date: 2/25/15

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Name: TIMOTHY KOLLER

Address: 130 SULLYVANT PLACE, ST, NY

I represent: D. A. DANIEL SANDOVAL JR.

Address: 130 SULLYVANT PL

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Date: 2/25/15

Name: Judge Jo Ann Ferdinand (PLEASE PRINT)

Address: 320 Jay St

I represent: Brooklyn Veterans Court

Address: Kings County Supreme Court

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Date: \_\_\_\_\_

Name: Aynisa Leonardo (PLEASE PRINT)

Address: 511 Pulaski Rd. Greenham NY 11740

I represent: New York City Veteran's Alliance

Address: 182 Franklin St #2E Brooklyn NY 11201

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