

**Testimony of David Sandman, Ph.D.  
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**Presented to the New York State Joint Legislative Public Hearing  
on the 2021 Executive Budget Proposal  
Human Services  
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Thank you to Chair Krueger, Chair Weinstein, and members of the Senate Finance and Assembly Ways and Means and Committees for the opportunity to testify today. I am pleased to provide testimony on behalf of the New York State Health Foundation (NYSHealth), a private, independent, statewide foundation dedicated to improving the health of all New Yorkers.

**I am here today to speak on behalf of creating universal access to Veterans Treatment Courts (VTCs) for every New York veteran who needs one. Despite their proven merits, not every veteran has access to a VTC. A simple transfer policy that is proposed in the executive budget will fix that.**

### **New York's Veterans**

New York is home to more than 700,000 veterans, the fifth-largest veteran population of any state in the nation. Most veterans return from deployments and transition to civilian life relatively smoothly; they're healthy, ready to work or go to school, and eager to settle back into life at home. But for some, the adjustment isn't so easy. They struggle with the invisible wounds of war: PTSD, traumatic brain injury, depression, substance use, and more. A survey of New York State's veterans by the RAND Corporation revealed that 22% of returning post-9/11 veterans have a probable mental health diagnosis.<sup>1</sup> The number of veterans being treated for mental illness and substance use has increased 38% since 2004.<sup>2</sup>

Mental health and substance use issues are associated with various related problems such as homelessness, unemployment, and strained relationships. Sometimes these challenges lead to involvement with the criminal justice system. Nationally, about 8% of those incarcerated in jails or prisons are military veterans.<sup>3</sup>

### **Veterans Treatment Courts: A New York Innovation**

For those veterans who encounter the criminal justice system, Veterans Treatment Courts can offer a lifeline. VTCs are a type of problem-solving court that provide an alternative to

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<sup>1</sup> Schell et al., "A Needs Assessment of New York State Veterans: Final Report to the New York State Health Foundation." Santa Monica, CA: RAND Corporation, 2011.

[https://www.rand.org/pubs/technical\\_reports/TR920.html](https://www.rand.org/pubs/technical_reports/TR920.html).

<sup>2</sup> Henderson K and Stewart K. "Veterans Treatment Courts," American University, 2016.

<https://www.american.edu/spa/jpo/initiatives/drug-court/upload/fact-sheet-on-veterans-treatment-courts.pdf>.

<sup>3</sup> Bronson J, Carson EA, Noonan M, and Berzofsky M, "Veterans in Prison and Jail, 2011–12," The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2015.

<https://www.bjs.gov/content/pub/pdf/vpj1112.pdf>.

incarceration for eligible justice-involved veterans who have mental health or substance use disorders.

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

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

The evidence is clear: VTCs work. Participating in VTCs is associated with reduced recidivism, lower alcohol and drug use, more stable housing, increased opportunities for employment, stabilized relationships with friends and family, and improved mental health. To date, more than 4,500 New York veterans have been helped by the State's Veterans Treatment Courts.

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

### **The Problem: Inequities in Access**

Only about half of New York's counties have a VTC. For justice-involved veterans in counties that lack VTCs, the men and women who swore to protect our country are languishing in a justice system not equipped to deal with their unique challenges—challenges that may well be a byproduct of their patriotism. Veterans should not be deprived of the opportunity to get their lives back on track simply because of where they live.

### **The Solution: A Transfer Policy**

Albany has the power to fix this. The FY 2022 Executive Budget will solve the problem and create universal access to VTCs statewide. It proposes a straightforward policy that would enable veterans charged in counties without a VTC to be transferred to a VTC in an adjacent county. Enacting such a proposal would ensure that all New York veterans across the State have access to these lifesaving specialized courts.

The budget proposal enjoys broad support and mirrors a plan developed by a diverse set of stakeholders. The New York State Health Foundation joined forces with the national organization Justice For Vets to convene a working group to develop a consensus plan to ensure that every veteran in New York has access to a high-quality VTC. The working group included

representatives of the New York State Unified Court System, district attorneys, State officials, law enforcement, veterans, and other key stakeholders. In an unprecedented effort, they agreed that a transfer policy was the right solution.

New York State can enact this transfer policy without incurring start-up costs. Existing VTCs have the capacity and infrastructure to absorb transfer cases. The transfer policy itself requires no funding. The FY 2022 includes appropriation authority for this program, which will allow for the establishment of any additional Veterans Treatment Courts, peer-to-peer programs, and peer mentoring programs in the VTCs.

### **The Pandemic Adds Urgency**

The COVID-19 pandemic has exacerbated veterans' mental health issues. Veterans are experiencing social isolation, unemployment, food insecurity, and other factors that are associated with poor mental health outcomes. In a recent national survey of post-9/11 veterans and service members who incurred a physical or mental injury or illness while serving, 52% of veterans reported that their mental health has worsened during the pandemic.<sup>4</sup> More than one-third of those surveyed currently suffer from severe or moderately severe depression; 54% suffer from post-traumatic stress disorder; and 30% reported having suicidal thoughts in the past two weeks.

In addition, the pandemic has made mental health care less accessible for veterans: more than half of those surveyed reporting having a mental health appointment canceled or postponed.

There has never been a more urgent time to ensure universal access to VTCs.

### **Conclusion**

New York State set a national standard when it established the first VTC more than a decade ago and is poised to again lead the way in taking care of our veteran populations. Granting universal access to Veterans Treatment Courts is one way we can ensure those most vulnerable receive the help they need to become productive members of our society. VTCs offer the best pathway to rehabilitation for veterans, help those who served their country get their lives back on track for success, and maintain law and order.

New York State has the opportunity to finish what it started and remain the national beacon of Veterans Treatment Courts. As the birthplace of VTCs, New York should have the largest and best system in the nation—a system that ensures universal access to a VTC for all veterans in need, no matter where they live.

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<sup>4</sup> Wounded Warrior Project and Westat, "2020 Annual Warrior Survey," 2020, <https://www.woundedwarriorproject.org/media/z0jlzv53/2020-annual-warrior-survey.pdf>.