



Center for Battered  
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**Hon. Judy Harris Kluger**  
*Executive Director*

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*\*in memoriam*

December 7, 2020

To Whom it May Concern:

I am proud to offer my support without reservation for a comprehensive policy that will facilitate the transfer of a veteran facing low level charges to a Veterans Treatment Court (VTC) in an adjoining county. Such measures would serve an important end to help lower recidivism rates and provide the necessary assistance to veterans in need of treatment. Studies have shown that at least 20 percent of the 1.6 million troops who served in Iraq and Afghanistan from 2001-2008 will face serious mental health injuries such as post-traumatic-stress-disorder, traumatic brain injury, or major depression. Because most of these veterans do not carry the visible scars of war, they often suffer in silence and without access to the support services that may be available to them. Their disorders lead to higher rates of divorce, drug and alcohol abuse, and incarceration.

In 2008, Erie County started the nation's first Veterans Treatment Court after recognizing a growing problem with low level criminal conduct committed by those returning from military service. That Court has served as the blueprint towards rehabilitation and has served as a means to connect veterans to not only treatment but benefits earned through their military service. The Court has gone on to become the model for Veterans Treatment Courts instituted in other counties in New York and across the country.

I have been involved with and supportive of problem-solving courts throughout my career. As an Assistant District Attorney in Kings County in the late 1970s, I became aware of the challenges and societal pressures that survivors of domestic violence were facing in New York City. Motivated by these experiences, I became a founding member and Bureau Chief of the Sex Crimes and Domestic Violence Bureau and Chief of the Criminal Court Bureau soon thereafter. Additionally, I was a key member of the development team and the first presiding judge at the Midtown Community Court, a project that received national acclaim for its innovative handling of quality of life crimes and which began an era of development of problem solving courts throughout the country. Having served for 25 years as a judge in New York State—most recently as Chief of Policy and Planning for the court system – I oversaw the statewide problem solving court program which included more than 300 Integrated Domestic Violence Courts, Human Trafficking Intervention Courts, Domestic Violence Courts, Drug Courts, Mental Health Courts, Sex Offense Courts, and Community Courts.

I was proud to serve on the Consensus Working Group (CWG) convened by Justice for Vets and the New York State Health Foundation, with the goal of developing a universal access plan for Veterans Treatment Courts. This impressive and broad-based group of stakeholders considered many critical issues, including provisions for cases involving domestic violence. As Executive Director of Sanctuary for Families, New York's leading service provider and advocate for survivors of domestic violence, sex trafficking, and related forms of gender violence, this matter is a priority for me.

Surveys of VTCs nationally reveal that approximately 85 percent are taking DV cases. It was critical for the CWG that universal access did not happen at the expense of domestic violence victims. As a result, we included a condition that a criminal action involving domestic violence cannot be removed to a Veterans Treatment Court in an adjoining county without the consent of the originating prosecutor in consultation with his/her client. I believe vesting such "veto" authority with the originating prosecutor is the strongest protection against inappropriate transfers. In all instances, the goal should be proper intervention for the defendant and ensuring safety for the victim.

While Veterans Treatment Courts have spread across New York State, veterans who are arrested in jurisdictions that do not host one of these Courts are simply unable to avail themselves of the special services such forums can provide. An effective transfer policy would serve as a constructive remedy. This will improve the plight of veterans in distress and help their communities better combat crime that is often the result of insidious injuries suffered by returning veterans during their military service.

The COVID pandemic adds urgency to the issue. COVID is likely to exacerbate underlying mental health issues, increase opioids and substance use, and increase social isolation – all risk factors that could lead veterans to be in need of treatment services. Furthermore, keeping people out of jails with high risks of viral transmission is a public health imperative.

Sincerely,

A handwritten signature in black ink, appearing to read "Judy H. Kluger". The signature is fluid and cursive, with the first name "Judy" being the most prominent.

Hon. Judy H. Kluger  
Executive Director