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Chair Krueger, Chair Weinstein, Committee Members and staff, thank you for this opportunity to share the importance of ensuring that former servicemembers across New York State have universal access to Veterans Treatment Courts (VTCs). My name is Ryan Foley; I am the Supervising Attorney of the Veterans Practice at the New York Legal Assistance Group (NYLAG), a nonprofit law office dedicated to providing free legal services in civil matters to low-income New Yorkers. NYLAG uses the power of the law to help New Yorkers in need combat social and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG serves veterans, immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence survivors, persons with disabilities, patients with chronic illness or disease, low-wage workers, members of the LGBTQ community, Holocaust survivors, and others in need of free civil legal services.

Given the level of need in New York's diverse veteran population, NYLAG operates two veteran-specific legal programs. Our Legal Health Veterans Initiative operates legal clinics within the Bronx, Manhattan, and Northport Veterans Affairs (VA) Medical Centers, including the nation's first legal clinic focused entirely on women veterans. Our Veterans Practice is a community-based program with a large referral network that provides comprehensive services to veterans and their families, regardless of their discharge status or eligibility to use the VA Healthcare System.

The Veterans Treatment Court model addresses the mental health and substance abuse issues faced by large numbers of former servicemembers, often related to combat experiences or military sexual trauma (MST). NYLAG's veteran clients are all too familiar with these challenges. The Department of Veterans Affairs reports: between 11-20% of veterans who served during Operations Iraqi Freedom (OIF) and Enduring Freedom (OEF), 12% of veterans who served during the Gulf War, and 15% of veterans who served during the Vietnam War have Post-Traumatic Stress Disorder (PTSD) in a given year.¹ Among veterans enrolled at a VA medical centers, 23% of women reported sexual assault in the military, while 55% of women and 38% of men reported sexual harassment while in the military.² Veterans in New York State are eight times more likely to experience PTSD, and two to four times more likely to experience major depression than their civilian counterparts.

It is important to note that these numbers do not fully capture the mental health issues that exist for the estimated 15% of military veterans who received a less-than-honorable discharge,⁴ which limits eligibility for state and federal benefits like VA Healthcare. Data shows that these "bad paper" discharges have steadily increased since WWII, with veterans from the Global War on Terrorism receiving bad paper discharges at four times the rate of WWII veterans, and more than double the rate of Vietnam era veterans.⁵ As both the Department of Veterans Affairs and the Department of Defense are slowly recognizing, these bad paper discharges frequently stem from mental health conditions. Veterans with a PTSD diagnosis are eleven times more likely to have a less-than-honorable discharge.⁶ These discharges can also be a result of retaliation for

reporting sexual assault or harassment; reporting victims received harsher discharges, with 24% separated under less than fully honorable conditions.⁷ NYLAG has made it a priority to assist veterans with less-than-honorable discharges, recognizing the broad impact a bar to benefits can have on veterans. Veterans with a less-than-honorable discharge are seven times more likely to be homeless, have a 50% higher rate of incarceration, and, tragically, they are twice as likely to take their own life.

Recognizing the mental health epidemic among the veteran population in New York, Erie County started the nation's first VTC in 2008, diverting qualified veterans from traditional criminal prosecution into a specialized treatment path focused on addressing mental health or substance abuse issues in lieu of incarceration.⁹ Since its founding, the Court has served as a blueprint towards rehabilitation and a means to connect veterans not only to treatment, but also to benefits earned through their military service. Veterans suffering from mental health and substance abuse issues are plagued by homelessness, lack of education, and other social disadvantages, all of which the Department of Veterans Affairs has programs to address and ameliorate. VTCs can provide a bridge to these programs, and early studies have found VTC participants have better housing and employment outcomes compared to other criminal justice involved veterans, as well as lower recidivism rates.

While there now are thirty-four VTCs across the State, it is estimated that nearly one third of New York State's 700,000 plus military veterans still do not have access to these lifesaving courts, either because they do not meet current eligibility requirements, or because they are in a jurisdiction that does not host a VTC. All New York veterans, regardless of location or discharge status, deserve access to high-quality VTCs. NYLAG proudly offers support for NY State Senate Bill S1957,¹¹ which provides a comprehensive policy that will facilitate the transfer of a veteran facing low-level criminal charges to a VTC in an adjoining county. New York State has demonstrated an immense commitment to addressing the mental health needs of the veteran community by establishing the nation's first VTC, and now it is time for New York to expand on this mission by adopting a transfer policy to provide former servicemembers universal access to VTCs.

Respectfully submitted,

New York Legal Assistance Group (NYLAG)