

## Memorandum in Support of the Use and Availability of Veterans Treatment Courts

NYSBA #11

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By: BUDGET  
By: BUDGET  
Senate Committee: Finance  
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### **THE NEW YORK STATE BAR ASSOCIATION** **SUPPORTS EXPANDING THE USE AND AVAILABILITY OF** **VETERANS TREATMENT COURTS**

The 2012 report of the New York State Bar Association Special Committee on Veterans recommended legislation to expand Veterans Treatment Courts, thereby enhancing access to the justice system for deserving military veterans and increasing public trust and confidence in our system of justice.

American military veterans are unique members of our society who have unique problems that may inhibit their transition from active military service to a normal civilian life. Veterans Treatment Courts provide an effective means for recognizing the needs of veterans, while ensuring public safety and benefit for our communities.

Many veterans struggle with the effects of trauma from their service and from post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), mental illness, and substance abuse or addiction. If left untreated, these conditions can and do cause disruption of families, the loss of employment, and triggering of actions that result in criminal prosecution. Such adversity for veterans often leads to abuse of alcohol and drugs, which accelerates a downward spiral toward increasingly-severe consequences.

Veterans Treatment Courts follow therapeutic and collaborative approaches similar to models used by drug and mental health courts. Within the framework of the criminal justice system, these models involve a court-based system of assessments, treatment, review hearings, and graduated sanctions geared to avoiding incarceration when possible. Similarly, such an approach may be used in civil court to assist veterans faced with loss of employment, government benefits, or housing, and other crises that prevent them from living normal lives and contributing to the community.

### **Components of the Veterans Treatment Court Model.**

Although the Veterans Treatment Court is a relatively recent development (the first court was created in Buffalo in 2008), certain principles or components have been recognized as necessary to meet the objective of providing afflicted veterans with the means to obtain treatment and services, normalize their lives, and carry on as contributing members of society.

Necessary components of a successful program involve the following:

- Voluntary participation by veterans;
- Coordination of activities with federal agencies, community-based service providers and local agencies;
- Mentoring by other veterans;
- Flexibility for local officials; and,
- Tracking outcomes.

Therefore, we support the Governor's proposal to permit transfer of qualified cases across county lines to a Veterans Treatment Court. Further, we support the Governor's proposed appropriation of \$1 million to enhance the operation these courts across the state.