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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.