SENATE HEARING ON THE TREATMENT COURT EXPANSION ACT

Senate Standing Committee on Alcoholism and Substance Use Disorders

Remarks of Hon. Rowan D. Wilson, Chief Judge of the State of New York
and Hon. Joseph A. Zayas, Chief Administrative Judge of the State of New York

October 10, 2025

Good morning, Chairperson Fernandez, Senator Ramos, and all the other legislators participating today. The Unified Court System is deeply appreciative of this Committee for convening this hearing today on this crucial piece of legislation, the Treatment Court Expansion Act. We are grateful for the opportunity to discuss the Unified Court System's successes in this area and our ongoing collaboration with the Sponsors of this bill so it may be effectively implemented when passed.

REIMAGINING COURTS

Passage of this legislation is important to the Unified Court System, as it represents a potential sea change in how we think about the very nature of criminal justice. Since assuming our current roles in 2023, we have worked hard to shift the focus of justice from merely determining who is right and who is wrong or whether a defendant is guilty or not guilty. Instead, we have conceived of the courts as similar to our sister branches of government: institutions that attempt to make decisions that will improve the lives of those we serve: the public, victims and even offenders. Courts should not merely be adjudicators of the past—in some way, all courts should be problem solvers working to create a better future. In other words, without minimizing in any way the harm suffered by victims of crime, we need to be focused on the effective prevention of future harm and acknowledge that meaningful accountability can be achieved in ways that go beyond traditional notions of what constitutes appropriate punishment.

As we have said before, litigants dedicate titanic amounts of resources to cases where there is a lot of money at stake. In the vast majority of commercial cases, tort cases, insurance cases, and so on, all of the parties are represented by sophisticated counsel. They usually arrive at a settlement, where determining who was "right" and who was "wrong" in a moral sense is only rarely decided, and each of the parties has

agreed to the outcome, even if they are not fully happy about it. But in cases that are resolved in the criminal justice system, the exact opposite is true. Unless you are fortunate enough to be able to retain your own attorney, everyone is under-resourced, especially defense providers, who have been making do with less for many years. The courts themselves, despite valiant efforts, have only limited opportunity to assess the totality of a defendant's circumstances, and the prevalence and urgency of plea bargaining means that the criminal justice system can sometimes feel like a conveyor belt, rather than what it should be: a method not just of punishing misconduct—though that remains an important consideration—but also of helping individuals who have gotten off track get back on, to help that defendant find the support needed to overcome a substance use disorder or address treatable mental illness, to find stable, safe and reliable housing or to hold down a job. Though contemplating "right" and "wrong" is unavoidable in a criminal case, when there is often a party who has suffered a clear injury, the important thing is meaningful accountability—a recognition by the party who has transgressed, that party's determined efforts to improve, and a workable plan to change that party's future behavior to protect society from future transgressions.

NEW YORK'S TREATMENT COURT SUCCESSES

Reimagining the criminal justice system is a complex task, and one that tends to defy consensus. But since the start of our administration, we have worked very hard to sustain and expand innovative court programs that help address problems that are of deep concern to so many New Yorkers. We are pleased to report that we now have over 350 problem-solving courts in New York, under the leadership of Hon. Debra Young, a Rensselaer County Court Judge and Acting Supreme Court Justice, who has been UCS's Statewide Coordinating Judge for Problem-Solving Courts since February 2025. Each of these courts is dedicated to addressing a particular kind of issue that often results in involvement in the criminal justice system, such as mental health and substance abuse issues (including opioid addiction), domestic violence and human trafficking. We also have courts that are dedicated to connecting justice-involved veterans with the support they need. We have community justice centers that serve midtown Manhattan, Red Hook, Brooklyn, and New Rochelle, with proposals underway to reopen the Harlem Community Justice Center, and to establish new justice centers in

Hunts Point in the Bronx, and on Staten Island. These community courts, in addition to resolving criminal, family, and housing matters, among others, connect residents who are not involved in the justice system with a host of resources such as mental health services, housing assistance and healthcare. It is important to note that even within a highly specialized treatment court, such as a veterans court or human trafficking court, each case requires individualized attention; there is no formulaic solution that will fit all defendants no matter how specialized a treatment court is.

One innovative program that UCS operates is U-CAN, short for United Against Crime-Community Action Network. U-CAN was started in 2016 by now-Albany County Court Judge Andra Ackerman when she was on the bench in the Cohoes City Court. She partnered with New York State Mentoring to establish the program, which gives defendants the opportunity to plead guilty to a felony but put off sentencing for a year. In that year, they frequently meet with a mentor and a probation officer, who support participants in meeting their mandates, which can include getting a driver's license, graduating or getting a GED, remaining employed and finding permanent housing. Once participants complete the program, they can withdraw their plea and leave with no criminal record. This program has been a huge success and has now been expanded to Albany County Court and Family Court, Erie County, Warren County Family Court, Schenectady County Family Court, and Syracuse City Court. Even more impressively, this program is entirely funded by non-profits and volunteers and, except for one UCS employee to coordinate the program, it does not cost the taxpayers a dime.

We also have a nation-leading Felony Alternative-to-Incarceration Court within New York County Supreme Court. That court is the result of years of painstaking collaboration with court stakeholders under the leadership of the Hon. Ellen Biben. Her court provides individualized programming and rigorous supervision to individuals who are often ineligible to participate in other problem-solving courts. By focusing on the whole person and addressing mental health, substance use, employment, housing, social supports, and more, the ATI court has reduced recidivism and built safer and healthier communities. Judge Biben has created a court that is equipped to accept a much broader range of cases and defendants than is typically envisioned as suitable for diversion—from low-level felonies to cases involving significant violence and harm. Her

court is a shining example of the type of life-changing work that can happen when more defendants are diverted from jail and provided the help and intensive, supportive supervision that they need.

Diverting New Yorkers living with mental illness away from the traditional criminal track and into treatment is one of the court system's highest priorities. Our ultimate goal is to have, throughout the State, either a mental health court or local judges trained to effectively handle cases involving individuals living with mental health disorder. We currently have 42 mental health courts in 27 counties, with 14 more counties at various stages of the planning and implementation process. The SFY 2025 enacted budget included $8 million to support our work in this vital area. We used that funding to hire dozens of project directors, resource coordinators, case managers, and other support staff, which has allowed us to move forward with the expansion of these courts, with a particular focus on mental health courts. Leading these efforts is our recently appointed Statewide Mental Health Court Project Director. We received a 9.4 percent increase in these funds in the SFY 2026 budget cycle, which is dedicated to improving staffing and expanding our available programs. We look forward to continuing to build on this in our forthcoming SFY 2027 budget request.

IMPORTANCE OF JUDICIAL DIVERSION

Treating criminal defendants with substance use disorders and mental health disorders, rather than incarcerating them, offers long-lasting social and economic advantages. Incarcerating people is very expensive, after all. In New York State prisons, the average cost of incarcerating just one person is about $115,000 per year, according to a 2022 study by the Vera Institute.[1] The costs of pre-trial detention in some parts of the State can be even higher—a 2021 study by then-New York City Comptroller Scott Stringer[2] put the annual cost of incarceration in New York City at a staggering $556,539. By contrast, treatment programs for substance use disorders, ranging from outpatient care to residential treatment, as well as medication-assisted therapy (MAT), are unequivocally less expensive, ranging from $5,000 to $20,000, depending on the

[1] https://www.vera.org/the-cost-of-incarceration-in-new-york-state

[2] https://comptroller.nyc.gov/newsroom/comptroller-stringer-cost-of-incarceration-per-person-in-new-york-city-skyrockets-to-all-time-high-2/

location and duration of the stay, though there are of course some resource costs borne by the courts, the district attorneys, and the defense bar. Even accounting for those costs, however, redirecting funds from incarceration to treatment can allow the State and its localities to serve more people on a more cost-effective basis while building safer and stronger communities.

But the cost savings pale in comparison to the benefits to public safety. Treating substance use disorders and mental health issues directly addresses the root cause of criminal behavior for many people and thus makes it significantly less likely that they will reoffend, lowering recidivism rates. Further, more broadly increasing the availability of treatment options for individuals with mental health needs or substance use disorders would help social service agencies intervene with more people who could use help before they engage in behaviors that land them in the criminal justice system.

The benefits of treating more individuals who suffer from substance use and mental health disorders, instead of simply incarcerating them, go beyond public safety. By investing in themselves during a treatment program, participants are able to much more readily reintegrate into society, which reduces the cycles of poverty, unemployment and homelessness that leads back down the road of substance abuse, mental health decompensation and, in turn, criminal justice system involvement. Redirecting resources to treatment is not only a more humane approach but also an economically sound strategy for reducing the overall burden on the criminal justice system.

Finally, it is worth emphasizing that expanding access to treatment courts is not tantamount to being “soft on crime” or letting people off the hook without requiring them to take responsibility for their actions. The completion of treatment court mandates often takes months, or even years, and requires a serious commitment on the defendant’s part to change. And when someone has successfully completed that rigorous, transformative work, we need to recognize that they have paid a debt owed to society in a meaningful, albeit different, way.

TREATMENT COURT EXPANSION ACT

Turning more specifically to the Treatment Court Expansion Act, the Unified Court System has been engaging with both the sponsors and advocates over the last two years in conversations around this legislation. We have undertaken a robust review process, soliciting input on this legislation from all corners of the State, culminating in a lengthy meeting in January 2024 where over a dozen treatment court judges were able to discuss the bill with Judicial Leadership. Through the regular, ongoing work of our Mental Health Task Force, led by Judges Matthew D'Emic and Cheryl Roberts, we have obtained input from its varied members, including judges, district attorneys, defense providers, treatment providers and social service agencies, from all across the State. We also solicited feedback from many other sources, including the New York Association of Treatment Court Professionals, the Office for Justice Initiatives, and the Center for Justice Innovation, to name just a few.

One thing was clear: everyone we consulted strongly supported the overarching goal and laudable intent of the legislation. The motivation behind it—getting more defendants out of the traditional criminal justice system and into treatment—received unanimous praise. There is a clear unmet need all across the State, from Long Island to Buffalo, from Staten Island to the Canadian border, with defendants who would be better served by treatment for substance use disorders and mental illness languishing in jails and prisons. It is fundamentally unfair that many communities in our State do not have a treatment court of any kind and do not have outside providers of substance use or mental health services to allow persons with those underlying conditions to obtain the help needed to find a better future for themselves while protecting those communities from future harm.

However, the bill that those judges reviewed, then known as "Treatment Not Jail," presented numerous implementation and operational issues that made it impossible for UCS to support it as drafted. Through collaboration, the bill, now known as TCEA, has improved significantly, addressing many of the key problems we had raised. For example, our treatment judges were concerned about the broad eligibility criteria under the original bill, which defined eligible defendants as those with a "functional impairment," which could have rendered a significant percentage of criminal defendants

presumptively eligible for at least an evaluation. Given that, in 2024, there were over 94,000 felony and over 325,000 misdemeanor arraignments statewide, mandating such an evaluation—let alone actual diversion—for a significant percentage of all new defendants would have likely overwhelmed the resources available to any diversion court. The current version of the bill has replaced the "functional impairment" qualification with a more circumscribed "qualifying diagnosis" that includes most serious treatable mental health disorders.

These iterative efforts yielded several other salutary changes that have been incorporated into the current version of the bill, including:

- Allowing judges to continue to issue bench warrants promptly when a participant fails to appear for court, which promotes the safety of a participant potentially in crises as much, if not more, than that of the general public;
- Allowing orders of protection to be issued at the conclusion of cases, even when there is no conviction;
- Ensuring that diversion applications are made as soon as practicable to evaluate and then connect individuals with treatment expeditiously, which also addresses administrative and potential gamesmanship concerns; and
- Allowing all forms of drug screening as determined appropriate by clinicians and the court.

Accordingly, we want to reiterate our gratitude for the open dialogue that has allowed these amendments to be successfully integrated into this potentially historic legislation.

Even in its current form, TCEA still represents not only a unique opportunity for the further expansion of treatment and problem-solving courts but also for a fundamental reimagining of their structures and procedures. Today, only a small fraction of treatment court matters and participants proceed through Judicial Diversion Courts established under Article 216 of the Criminal Procedure Law, which the TCEA would amend. The vast majority of treatment court programs operate outside this statutory framework and are, therefore, dependent upon the consent of all parties, including the local district attorney's office. This has led to different programs developing in various

parts of the state, accepting different categories of charges and defendants with varying histories and needs. This variety, unfortunately, is not always based upon best practices or the resources available, but also politics and optics. In practice, it means a defendant's mental health or substance abuse issues will be treated, or not, based on geography rather than need or likelihood of success.

The Treatment Court Expansion Act seeks to improve upon the present patchwork approach and provide a uniform system of judicially-led diversion court parts. Under the proposed framework, although both sides would always be heard, the courts would be empowered with the discretion to make the ultimate determination as to whether a defendant in a specific case should be diverted and what would constitute a just resolution of that matter. This authority to override the prosecutor's objection to diversion presently exists in a much more limited form in Article 216 and is applicable only to a limited set of less serious charges, defendants with limited criminal histories, and only to address substance use disorders. TCEA would allow courts to exercise this discretion in cases involving almost any charge, regardless of a defendant's criminal history, and to address an expanded set of treatment needs, including most diagnoses for serious mental illnesses.

It is important to be clear that the district attorney is an integral piece of the puzzle, and that cases are always more successful when the People are supportive of diversion. Indeed, a 2008 study shows that treatment court programs show significant improvements both in terms of cost-savings and reductions in recidivism when prosecutors are actively engaged in participants' progress through treatment.[3] One district attorney's office has reported that in 85% of cases where they recommend a case for diversion, it is able to obtain buy-in for diversion from the victim, which is also important in repairing the harm done and helping the defendant move to a successful outcome. Nonetheless, the prosecution should not be left with complete control over the process: although they are an important piece, they are not the whole picture.

TCEA presents New York State with a chance to bring additional objectivity and uniformity to the treatment court system, allowing the long-term benefits to society and

[3] https://nij.ojp.gov/library/publications/exploring-key-components-drug-courts-comparative-study-18-adult-drug-courts

the defendant, to take precedence more often over parochial interests. However, it also places a significant new responsibility on judges and the courts to weigh those interests—interests of the defendant, the victim and society more broadly—in individual cases and oversee the effective implementation of diversion statewide. When it comes to sentencing a criminal defendant, neither the prosecutor nor the defense attorney determines the sentence; instead, the Legislature has given judges wide ranges of sentencing options, the court hears from both sides, offers the defendant the chance to address the court directly, and then pronounces sentence. Determining which defendants should be eligible for diversion to treatment, what program is appropriate, how many failures and of what kind can be tolerated before the opportunity for diversion is exhausted, is conceptually no different than determining what sentence to pronounce: a host of ill-fitting factors must be reconciled and a just decision reached—a decision that is best for the victim, the defendant and society at large. UCS thus continues to advocate for TCEA to provide our judges with the discretion that experience has shown they will need to effectively take on this new expanded role, in a way that is most likely to facilitate diversion of the greatest number of defendants with the greatest chance of successfully completing treatment.

Although much progress has been made, there are a few outstanding concerns that UCS is committed to continuing to work with the Sponsors and advocates to address that we summarize below.

Need for Judicial Pre-Screening

First, as originally drafted, the bill would have required judges to divert defendants even if the community did not have appropriate treatment resources to meet their needs. We are grateful that the version of the Treatment Court Expansion Act bill that is currently introduced in the Legislature has eliminated that language. A sure way for the expansion of treatment courts to fail is to require or allow for diversion to treatment resources that do not exist. That would leave offenders needing treatment back on the streets without treatment, highly likely to engage in further offenses driven by their underlying conditions.

One sticking point remains here, however, regarding the need for judicial pre-screening of diversion applications. The current version of TCEA requires courts to order clinical evaluations whenever there is reason to believe the defendant has a qualifying diagnosis, even if other factors that the court would ultimately have to consider in deciding the diversion application weighed strongly against granting it. It is our position that courts, after hearing from the parties, should be able to consider all of the enumerated criteria before ordering an evaluation, because, in some cases, it will be obvious that diversion is not appropriate. Providing for that sort of pre-screening before ordering a formal evaluation will allow courts and programs to more efficiently deploy the limited diagnostic and clinical evaluation resources presently available. Without this authority, courts will be obligated to order evaluations in too many cases where diversion is not a realistic outcome, which would utterly swamp the system and delay connecting defendants who most acutely need the help with available services. Whether such a pre-screening requirement would be worthwhile in a world where clinical resources were not in short supply is an interesting question, one that could be taken up when there is sufficient clinical capacity.

We understand that there is some openness to include language addressing this concern in an amendment, and UCS is eager to make sure such a provision is included prior to passage. We also look forward to continuing to work with our partners in the Legislature and in the Executive to ensure that when this act becomes law, the resources available in the community have been scaled up to meet the increased demand that will necessarily result.

Conditional Pleas

The original version of the legislation would have prohibited requiring eligible defendants to submit a plea of guilty to participate in judicial diversion. UCS treatment judges uniformly and strongly have informed us that for some defendants, conditional pleas are an essential component of success in the diversion process. Each treatment plan for a defendant must be highly tailored. For some, requiring a guilty plea as a condition of diversion is unnecessary for success and counterproductive to those it deters from diversion. For others, however, a conditional plea up front will not deter participation and will provide a helpful, even necessary, motivating force to aid the

defendant to a successful outcome in treatment, because the guilty plea—which is almost always conditional—will be withdrawn or reduced in severity upon successful program completion. A guilty plea can also aid defendants in taking responsibility for their actions, which can be a key element of recovery. In addition, district attorneys, who are always mindful of victims' positions on case dispositions, may be more amenable to consenting to diversion where the conditional plea agreement and negotiated outcome represent a recognition that the defendant has harmed others.

To be clear, UCS is not suggesting that pleas for diversion be mandatory for any category of case. Instead, we have repeatedly emphasized the importance of tailoring and judicial discretion in the plea process for all felony cases, and it is worth taking the opportunity to do so again here. Notably, current law already allows for the court to dispense with a guilty plea when there are "exceptional circumstances," generally meaning circumstances where there are "severe collateral consequences," which relate primarily to housing, employment, or immigration status. Treatment court judges uniformly said that they take these collateral consequences very seriously, often going out of their way to craft alternatives that can allow a defendant to participate in diversion without a plea while ensuring that they remain accountable.

While the possibility of a prison sentence may seem draconian to those who are unfamiliar with treatment courts, many participants acknowledge that they would not have been as active in their programming and ultimately successful without knowing that failure could ultimately lead to the imposition of a significant penalty. Moreover, "failure" and the imposition of an alternative carceral sentence is only a very last resort—something that our treatment judges impose only when a participant's missteps or new misconduct have become persistent and inexcusable, demonstrating that the defendant is not in a position where treatment has a realistic prospect for success. In our treatment courts, judges, prosecutors, defense attorneys and mental health providers all understand that setbacks are an inevitable part of overall progress and success in treatment—a proposition uniformly borne out in both research and practical experience.

We appreciate the sponsors' and advocates' willingness to move towards providing courts with the necessary discretion to craft, with the parties' input,

appropriate conditional plea agreements based on their experience. The current version of the bill allows conditional guilty pleas in cases where the defendant is charged with a violent felony. This is a significant improvement over the original legislation, but it does not go far enough. In all felony cases, treatment court judges need the flexibility, where appropriate, to proceed under a post-plea basis to ensure that they have the correct balance of carrots and sticks. There are certainly cases where a guilty plea is not necessary, but there are also cases where judges and prosecutors will be reluctant to allow a defendant to participate in diversion without the security of a guilty plea. Ensuring an appropriate degree of judicial discretion with respect to conditional pleas will, in our view, have the effect of increasing the number of defendants who are diverted, as judges and district attorneys will be more willing to take risks knowing that a plea is in place.

A related concern is the TCEA's restrictions on case disposition outcomes. Under the bill, even in cases involving violent felony charges, the most serious outcome for successful participants would be a misdemeanor conviction. As with greater flexibility around conditional plea agreements, leaving open the possibility of a felony conviction in certain circumstances will encourage judges and district attorneys to take more difficult cases than they otherwise would feel comfortable accepting. Though we recognize that felony convictions have collateral consequences, even when no prison time is imposed, allowing such convictions should ultimately increase the number of New Yorkers who are helped by this legislation, as courts may feel that a low-level felony conviction with a probationary sentence is a just outcome in cases that involve serious criminal conduct where victims have been harmed, or where the defendant has a significant prior criminal history, prior failures to successfully complete treatment or simply require additional support and supervision to remain on track after completing treatment court. The Legislature has addressed the collateral consequences of felony convictions in a variety of ways, and that concern, for persons pleading to a felony and successfully completing treatment, could be further addressed directly, instead of restricting the use of a felony plea where it may mean the difference between successful treatment and failure.

Separately, there is a secondary case management concern with the pre-plea model, which would require restoring cases where defendants either fail out of, or withdraw from, treatment programs to the trial track. Because "failure" is almost always a last resort after multiple chances for a reset, the diversion treatment period can go on for well over a year or longer. To go back to square one on a felony matter and switch to a trial track after such prolonged delay presents significant problems for courts in how they are to allocate their resources to manage their caseloads in a just but efficient manner. Such significant delay may, in fact, result in a case that is no longer viable for prosecution, thus undermining access to justice for all parties, including the district attorney, victims and the defendants themselves.

Harm Reduction

Another area where there remains disagreement is over the provisions in TCEA that acknowledge the importance of harm reduction interventions, providing that such models "may recognize that complete abstinence is not realistically attainable and may instead aim to achieve a significant reduction or change in use." UCS supports the use of harm reduction techniques during the course of recovery treatment for diversion participants. Medication-assisted treatment (MAT), step-based programs, and incentives for achieving progress towards recovery reflect best practices currently used in all of New York's treatment courts.

However, for participants with substance use disorders, abstinence from substance use should remain the ultimate goal of judicial diversion. Treatment courts adhere to an abstinence-based model because the available research clearly demonstrates that individuals with compulsive substance use disorders struggle to moderate their use and therefore abstinence is required to achieve and sustain long-term recovery.

Based on decades of experience, our treatment court judges believe that legislation allowing for the graduation of participants who are unable to achieve complete abstinence will lead to widespread failures. However, judges are extremely sympathetic to the difficulty many participants have in reaching that goal. UCS is eager to reach a resolution that allows judges to meet program participants where they are

while still allowing them the flexibility to tailor outcomes for each participant that ensures not only public safety but also the defendant's ongoing success after graduation.

Graduated Implementation

Putting aside the issues described above, any successful implementation of TCEA would, by design, involve a significant increase in the number of justice-involved individuals who are diverted from traditional criminal prosecution and into one or more "diversion parts." TCEA would thus entail significant costs because it would require the establishment of such a court part in any county that does not currently have a functionally equivalent one, as well as expansion of courts where the existing ones could not handle the anticipated increase in volume. This anticipated significant increase statewide in program participants would require establishing new judgeships; those judges, of course, require court officers and staff. Additionally, implementation of TCEA would require hiring supplemental personnel, primarily case managers and resource coordinators, that support the work of these specialized court parts. Those staff are essential parts of making the Act work. They help bring stakeholders together, evaluate applicants, identify the appropriate programs that are best tailored to a participant, identify the locations of available residential treatment beds and monitor participants' progress on their roads to recovery.

Even more importantly, significant costs would fall on Executive agencies such as OASAS and OMH and localities to provide and support evaluations, programs, and other services necessary for diversion courts to engage the outside treatment providers that would provide direct services to those diverted into treatment. Any conversation about TCEA will require the active participation of those agencies and stakeholders. It is important to remember that treatment courts, generally, do not provide direct services to participants but rather refer them to third parties who provide evaluations, counseling, and treatment. Defendants cannot be appropriately diverted to programs addressing their needs where those programs do not exist or where the existing providers do not have the capacity to effectively and efficiently evaluate them. A fundamental barrier to expanding treatment courts has been the limited availability of such facilities and professionals throughout the State. We also note that, particularly in many upstate communities where treatment providers are scarce, geographies are expansive and

public transportation is unavailable, diversion to treatment programs presents additional challenges.

To address these operational issues discussed above, UCS has proposed language that would allow the Chief Administrative Judge—following consultation with the defense bar, district attorneys, local social service providers, and other relevant local stakeholders—to certify counties as ready for expanding judicial diversion courts in the manner envisioned under TCEA once it has been determined that there are sufficient resources available to ensure the prompt and effective evaluation and diversion of eligible defendants.

If this implementation protocol were adopted, this administration would commit to the development of an efficient stakeholder consultation/resource assessment process that would ensure that counties are certified as quickly as possible. But we cannot do that alone. We will require the help of our partners in government to persuade local prosecutors and governments to participate actively in this process. We will also require the support of the Legislature and Executive, both inside and outside the budget process, to make sure that the resources that are so desperately needed are made available.

CONCLUSION

We remain steadfast in our support for the laudable goals of the Treatment Court Expansion Act. Whatever its costs, the savings—not just from avoided costs of incarceration, but from redirecting lives from destructive to productive—will far outweigh them. Appended to our testimony is one small illustration of the immense power treatment courts can have.

That story is just one of many that has been shared with us. The Unified Court System's treatment court and alternative to incarceration programs surely result in countless similar stories—stories with happier endings and better outcomes than the traditional criminal justice system. That is why we are eager to continue working towards passage of a version of the Treatment Court Expansion Act that can make these outcomes realities for as many people as possible.

We want to close with an open invitation to have any of you and/or members of your staff visit any of our treatment courts anywhere in the State. Reach out to our offices and we will be happy to coordinate a visit. The best way to understand what happens in our treatment courts is to see for yourselves—the highs of a participant graduating with a standing ovation from everyone in the courtroom, to the lows of a participant struggling to pass a drug screening, and everything in between. Please come visit us.

Thank you for your attention. We look forward to your questions.

Abraham G. Gerges
Justice of the New York State Supreme Court (Retired)
[redacted]

Honorable Rowan D. Wilson
Chief Judge of the State of New York
and the New York Court of Appeals
New York Court of Appeals
20 Eagle Street
Albany, New York 12207

April 11, 2025

Dear Chief Judge Wilson,

During this time of judge bashing, I would like to share with you a wonderful telephone call I received last week. At first, I didn't answer the phone because the number was not familiar to me. After this person tried reaching me several times, I did finally answer it. To my surprise, the caller was a woman who had appeared in court before me over sixteen years ago due to selling and using drugs.

Although she was charged with the sale of narcotics, it was obvious to me that she sold drugs to support her own addiction. I placed her into a drug program and after several months, thinking that she was better, I planned on sentencing her to probation. However, after learning that she was taking drugs again, probation was not an option. I once again placed her in a program and unfortunately after it was finished, she started using drugs yet again. After this happed a third time, I placed her back into a drug program. When I finally believed that she was cured of her addiction, she came before me for a fourth time. Before I was able to finally sentence her to probation, she asked to approach the bench.

"I'm not ready Judge. You're the only one who is watching over me."

I put the sentence over and returned her to the drug rehab program. Several weeks later, she once again appeared before me.

"Can I approach the bench," she asked. "Of course," I responded.

She then handed me a small photograph of her young son and on the back was written:

Honorable Abraham G. Gerges,
Thank you for saving my Mommie Life!!! Jason (4 years old) & [redacted]

After reading it and receiving a report from the drug program that she was no longer using, I finally sentenced her to five years of probation. And that was the last time I spoke to her – until this phone call.

The woman on the phone identified herself as [redacted] and I knew immediately who she was. She told me that she had been trying to get in touch with me for several years in order to thank me.

"You were the only person who cared and watched over me."

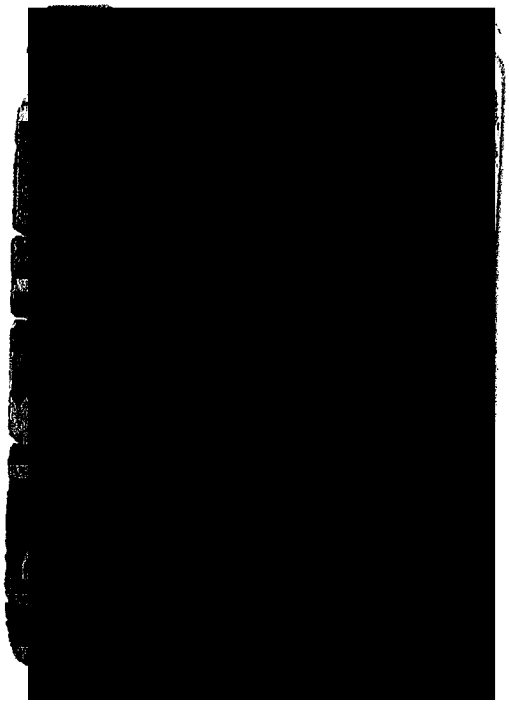
She thanked me for continually putting her back into the drug program until she was truly ready to be released. She wanted me to know that she was completely drug free for the past five years, that she was now married and had a young daughter, and had purchased a home upstate. She also told me that her son was doing very well. I told her how proud I was of her and how much her call meant to me.

The irony of this is that I am almost finished writing a book about my life, and had included this story, without the phone call of course, in my last chapter. I am concerned that the public thinks that all judges do is to incarcerate criminals. They don't understand that sometimes we can make a difference in the lives of those less fortunate than ourselves.

I hope this story makes your day a bit brighter.

Very truly yours,

Abraham G. Gerges



To: HONORABLE

Abraham G.
Georges:

Thank you
for saving
My Mommie
Life!!! Jason

4 years old