Written Testimony of the New York State Department of Veterans' Services Before the Senate Standing Committee on Alcoholism and Substance Use Disorders and Senate Standing Committee on Labor Regarding Senate Bill S.4547, "The Treatment Court Expansion Act"

October 10, 2025

The Honorable Nathalia Fernandez
Chair, Senate Committee on Alcoholism and Substance Use Disorders
Legislative Office Building Room 814
Albany, NY 12210

The Honorable Jessica Ramos
Chair, Senate Committee on Labor
Legislative Office Building Room 307
Albany, NY 12210

Dear Chairs Fernandez, Ramos, and Committee Members:

Established in 1945, the New York State Department of Veterans' Services (DVS) assists returning Service Members in transitioning to civilian life. For over 80 years, our Department's mission has steadily grown to support Veterans, Service Members, and their families from all eras, connecting them to essential economic, medical, and social benefits earned through their military service, providing professional assistance, guidance, and advocacy.

Accordingly, DVS appreciates this opportunity to submit written testimony on Senate Bill S.4547, the Treatment Court Expansion Act. DVS proudly serves New York's Veterans, Service Members, and Military Families. We thank the Committee for its ongoing leadership in advancing data-driven treatment-based approaches for New Yorkers who would otherwise cycle through the criminal justice system.

As a New York State Executive Branch Department, DVS neither endorses nor opposes legislation. However, we strongly support the stated goals of Senate Bill S.4547 and offer the following supportive comments for the Committee's consideration. Our Department appreciates your consideration of this testimony and the opportunity to share our subject matter expertise.

Diversion Program Efficacy for Individuals with Functional Impairments

Veterans with substance use disorders, post-traumatic stress disorder, traumatic brain injuries, or other functional impairments face unique challenges within the criminal justice system. Without access to appropriate interventions, these conditions can result in increased justice-system involvement, unstable housing, and poorer health outcomes.

A significant consensus of contemporary research widely recognizes substance use disorders as medical conditions rather than moral failings.

As noted by leading medical researchers, drug dependence "*produces significant and lasting changes in brain chemistry and function*" and should thus be treated like other chronic illnesses.[1] Likewise, the American Medical Association frames substance use disorders within its definition of behavioral health, emphasizing the need for diagnosis and treatment alongside mental health conditions.[2] These authoritative, peer-reviewed, widely accepted clinical perspectives underscore the importance of treatment-focused diversion rather than solely punitive responses.

Since the first Veterans Treatment Court (VTC) opened in Buffalo in 2008, New York State has been at the forefront of creating judicial diversion programs for justice-involved Veterans. These courts have demonstrated that a coordinated, trauma-informed, and treatment-centered approach can reduce recidivism, stabilize participants, and strengthen communities while ultimately reducing case backlogs within the criminal justice pipeline, thus saving taxpayer dollars. DVS's continued work with Veterans statewide has shown that such VTC interventions are not only effective but essential to public safety and rehabilitation, while honoring faithful service.

Indeed, VTCs operate in a distinct manner reflective of the unique lived military experience of Service Members and the prevailing hierarchical command nature of the United States Armed Forces and the critical importance of fellow Veterans as peers.

As noted by DVS Deputy Counsel Benjamin Pomerance, Esq., in the *Wyoming Law Review's The Best Fitting Uniform*: "Where a Veterans Treatment Court differs from a traditional Drug Treatment Court, however, is in the tribunal's substantive emphasis on key aspects of military culture. As one commentator aptly described this unique courtroom situation, '[t]he Veterans Treatment Court is the military unit: the judge becomes the Commanding Officer, the volunteer veteran mentors become fire team leaders, the court team becomes the company staff, and the veteran defendants become the troops.' All of the mentors in Veterans Treatment Courts are veterans themselves, and judges typically try to connect justice-involved veterans with mentors from their same branch and era of military service."

Additionally, the individualized nature of VTCs offer a specialized course of rehabilitation to meet the unique needs of Service Members and Veterans. DVS Deputy Counsel Benjamin Pomerance, Esq., highlighted this consideration in the *Oregon Law Review article Rational Justice: Equal Protection Problems Amid Veterans Treatment Court Eligibility Categorizations*: "Individualized action plans stand at the center of a Veterans Treatment Court's success. Rather than attempting to employ cookie-cutter, one-size-fits-all approaches to rehabilitation, Veterans Treatment Courts first recognize each justice-involved veteran as a unique person who has confronted unique experiences before, during, and after military service, and then tailor a treatment strategy based on that veteran's specific needs. To keep this vital individualization alive, Veterans Treatment Courts must never become overregulated and homogenized."

VTC Alignment with the Treatment Court Expansion Act

The stated goals of Senate Bill S.4547 reflect many of the principles that underpin Veterans Treatment Courts and extend them to a broader population of New Yorkers with functional impairments resulting from substance abuse and other means. In particular:

Trauma-Informed Care and Harm Reduction: We support the goals of calling for scientifically validated best practices and explicitly integrating harm-reduction opportunities. Veterans with combat-related trauma benefit from these approaches, which mirror the VTC model.

Minimizing the Harm of Incarceration: We support the goals of limiting the ability of courts to incarcerate or sanction qualifying individuals and recognizing that jail often exacerbates behavioral health conditions rather than resolving them. For Veterans with PTSD or TBI, incarceration can intensify symptoms and hinder recovery which is counterproductive to the long-term health, wellness, and productivity of individuals.

Accessibility and Equity Across Counties: Many counties currently lack treatment or diversion courts. We support the goal of mandating a diversion part in each County and allowing transfer to the County of residence, which would make treatment more geographically and financially accessible and equitable, similar to how DVS strives to reach every Veteran statewide.

Veterans Treatment Courts: Valuable Lessons Learned

New York's unique and invaluable firsthand experience with VTCs offers valuable lessons concerning the implementation of measures akin to those contemplated in Senate Bill S.4547:

Comprehensive Wraparound Services: VTC participants benefit from case management, peer mentoring, and coordinated treatment planning. These supports address not only substance use but also housing, employment, and family stability.

Judicial Training: Judges who understand trauma, military culture, and behavioral health are better equipped to balance accountability and rehabilitation. From a purely moralistic perspective this balance – for men and women who swore an oath to defend our nation and often incurred trauma in the line of service – requires careful calibration. Specialized training requirements would be critical to long-term programmatic success.

Voluntary Participation and Due Process: Long-term recovery requires participant buy-in to achieve an efficacious outcome. A shift toward pre-plea, pre-adjudication diversion would preserve due process and mirrors what has worked for Veterans.

Supportive Recommendations and Implementation Considerations

As the Committee advances its thoughtful deliberations on Senate Bill S.4547, DVS respectfully offers the following considerations drawn from our subject matter expertise derived from years of frontline experience with VTCs for its consideration:

Collaboration with State and Local Agencies: Effective diversion programs rely on a holistic approach of partnerships between community providers, behavioral health agencies, and peer support networks. DVS stands ready to share its experience coordinating services for Veterans with complex needs including substance abuse and addiction.

Privacy Protections and ADA Compliance: Veterans and others in diversion programs must be afforded the confidentiality and accommodations to which they are entitled under federal law via HIPAA and other statutes. Robust protections encourage participation and safeguard rights.

Funding for Treatment and Supportive Services: No-cost treatment is essential to equitable access. Adequate resources for clinical services, peer mentors, and wrap-around services and support such as transportation will play a large role in the program's impact.

Data Collection and Transparency: Annual reporting on diversion outcomes, as envisioned in the bill, will identify gaps, drive continuous improvement, and demonstrate the program's value.

Conclusion and DVS Partnership in this Important Effort

The New York State Department of Veterans' Services thanks the Committee for its leadership in promoting evidence-based, trauma-informed diversion programs. While DVS cannot formally endorse legislation, we are encouraged by S.4547's alignment with the principles and successes of New York's Veterans Treatment Courts and our departmental subject matter expertise. We stand ready to provide additional information on the Veterans Treatment Court model, connect the Committee with subject-matter experts, and collaborate on implementation strategies that will ensure the initiative's success. DVS will be an engaged partner in this important effort.

Thank you for the opportunity to submit this testimony and for your ongoing partnership, and commitment, to improving outcomes for New Yorkers with functional impairments, including the men and women who have courageously and faithfully served in our nation's Armed Forces.

Respectfully submitted,

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References

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4. Pomerance, B. Rational Justice: Equal Protection Problems Amid Veterans Treatment Court Eligibility Categorizations. 97 OR. L. REV. 425 (2019).