

A Look at New York's Veterans Courts

“It is up to our justice system to look critically at how to best serve the veteran population—to help them to find stability once more in their lives...stability they may have had prior to service,” explained Judge Robert Russell, the founder of the country’s first Veterans Court, launched in Erie County in 2008. These courts, which stress treatment and rehabilitation over punishment, have grown to 18 and counting across New York State.

“These are men and women who have made tremendous sacrifices by serving in the military,” said Judge Russell. “While some in the military do not make it home, some that do are suffering from the invisible wounds of war: post-traumatic stress disorder (PTSD) and self-medicating through drugs and alcohol.”

Substance abuse and mental health disorders derail the lives of veterans and their families—leading to felonies and misdemeanors that might put vets into the criminal justice system without addressing their core problems. The alternative track provided by the Veterans Courts can lead to a reduction or dismissal of charges if vets complete it successfully. Veterans Court volunteer mentors are instrumental in making these courts work by talking to and counseling fellow veterans in ways that civilian counselors, who have not served in the military, cannot.



Hon. Robert Russell, presiding over the Veterans Court in Erie County

“Almost everyone recognizes the debt we owe to people in the armed services,” said Joseph Parisio, the New York courts’ statewide drug court coordinator, whose office provides case management and systems assessment tools for the Veterans Courts, as well as outreach to local stakeholders, such as the Veterans of America and Veterans of Foreign Wars. “When you hear vets talk about their experience, what brought them to the court—current job situation, benefits, in conjunction with things they’ve seen—it creates a very sympathetic picture.”

“Vets take care of each other,” said Brooklyn Veterans Court Judge Michael Brennan. “They relate to the camaraderie, training, discipline and accomplishment.” Drafted in 1965, Brennan spent six years as a military intelligence officer, serving in Vietnam. In 1984, he became a criminal court judge, appointed by Mayor Koch. Brennan sees how much the climate has changed. “We no longer blame the warrior for the war, and have changed the mores of addiction,” he said. Yet the statistics for returning vets with PTSD who go on to commit drug and other offenses is staggering.

The idea for the Veterans Court is simple, but revolutionary. Veteran offenders are assessed by the Veterans Administration in their local area, enrolled in a program that addresses their mental health or substance abuse issues and then meet with a team including the judge, vet

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- **1.5 million vets are at or below the poverty line**
- **Over 200,000 Iraq/Afghanistan vets have PTSD**
- **18 Veterans Courts across New York State**
- **115 Veterans Courts across the U.S.**
- **200 Veterans Courts in the planning stages nationwide**

mentors and other service providers. Judges see vets once a week or every two weeks as they progress toward sobriety until their treatment program, from 12-16 months on average, is completed. Treatment involves passing a regular drug and alcohol test; for those who relapse, the program may be extended or jail time may be imposed. Offenses often include possession of illegal substances, forgery of scripts, theft and domestic violence.

Judge Russell recounts the story of the genesis of the Veterans Court. In 2006, he was working with a veteran in his

Mental Health Court who received a steady report from his mental health provider that he was not making progress. Judge Russell's then coordinator, who had served in Vietnam, asked the judge if he could try talking to the veteran offender one to one in the hallway. About twenty minutes later, the vet walked back into the courtroom, his face directed forward, in a military-parade rest posture, and said, "Judge, I am going to try harder." Because such a remarkable change had taken place, Russell and his team began a discussion, asking themselves, "Is there something more that we should be doing?"

In that same year, aware of a Rand Corporation study which found that one in five vets who had served in Iraq and Afghanistan demonstrated mental illness symptoms—and the fact that more and more younger vets started to get arrested and show up in their courtroom—Russell and his team gathered stakeholders and began to plan. The Veterans Court was launched two years later in Buffalo and is now a nationwide model, training other courts around the state and country.

For more information go to http://www.nycourts.gov/courts/problem_solving/vet.shtml.