



# **New York State Council of Veterans Organizations**

## **Testimony of NYS Council of Veterans Organizations Before the New York State Legislature's Joint Budget Committee Hearings on Human Services**

**February 8, 2017**

Good morning sitting Chairs and members of the Human Services Budget Subcommittee. I am Bob Becker, Legislative Director for the NYS Council of Veterans Organizations, or the Vets Council as we call it. I would like to thank you for the opportunity to bring priority veterans budget issues identified by the Council before you for consideration.

The Vets Council consists of 25 veterans organizations and meets monthly to discuss key issues of importance to veterans, focusing on federal and state budget and legislative issues. Our priority budget requests are to sustain and strengthen critical programs that have proven essential to caring for the sometimes very unique needs of veterans.

With me today are fellow veterans Kirby Hannan, John Lewis, Linda McKinnis and Scott Westcott. Kirby will frame the issues and how they interrelate.

I volunteer as the VFW's Legislative Coordinator and am an Air Force veteran serving from 1965 to 1969. I would like to frame the budget requests and explain how we think they are very co-dependent. These are four ongoing components of veteran wellness.

**The Veterans Defense Program** is a \$1.4 million request. It is a program of the NYS Defenders Association which provides education, training and legal assistance for veterans and their public defense attorney on family court or criminal justice legal matters. It is highly successful and additional funding is needed to establish a Downstate office to properly service veterans in New York City and Long Island.

**The Veterans Service Officer funding** is a \$1 million new request. A VSO serves to help veterans get the resources they need to deal with mental health issues, unemployment, homelessness, anxiety and depression before legal problems arise.

**The Joseph Dwyer Peer to Peer program** has been funded by the Legislature for \$300,000 for six or more years. It must be continued and funding must be increased. The Governor has set aside in his budget \$1 million for peer to peer mentoring as part of Veteran Treatment Courts. Peer to Peer mentoring has been self-funded at the veteran group Post level for decades. Mentoring happens at the Post level. It is where the funding should be targeted so that the Courts get qualified mentors in their pipeline.

**The sustaining role of charitable gaming revenue.** The Governor has placed in his budget (Part MM) a recodification and modernization of charitable gaming so that Veterans can continue to self-fund some of the programs we have identified in these budget requests. Without ongoing self-funding through charitable gaming, the \$3.4 million request this year will be \$34 million in years to come.

All of these requests would fund symbiotic programs that triage veterans to the resources and assistance that they need. They depend on each other to function properly.

I am Scott Westcott, a Marine Corps League veteran. I am very supportive of the Veterans Defense Program or VDP as we call it. VDP has stepped in to help the most vulnerable of our veterans. More than 152,000 veterans in NYS are estimated to have mental health ailments related to post traumatic stress, traumatic brain injury or severe depression. Less than half are getting treated and assault arrests are a common byproduct of this picture.

I can tell you first hand, that the VDP program provides a second chance for veterans who have lost their way, got into a fight, or faced some other criminal charge fueled by service-related stressors. I can relate instances of depression so severe that suicide was considered one veteran's only solution and he was arrested for carrying a gun in his trunk to take care of business. And I can tell you that defense lawyers and case managers must fully realize this phenomenon before the veteran can get understanding when petitioning the court for alternatives for incarceration, such as treatment at a VA facility.

Last year for the second time the Legislature added \$500,000 for VDP. Today we are here asking for an increase of \$950,000 for a total of \$1.45 to open a properly staffed downstate office with 4 family court and criminal defense attorneys and related support staff. The overburdened upstate Batavia office also needs an additional criminal defense attorney and case manager. The cost of incarceration, at \$60,000 a year for one prisoner, is far greater than providing appropriate alternative sentencing for veterans, with VA treatment and probation.

I am John Lewis, Legislative Chair for the VFW and a 20 year U.S. Navy Veteran. I am a Post Commander here to talk about the role of Veteran Service Officers or VSOs and to explain why we are asking for \$1 million to fund more of them. Too often the Veterans Defense Program is the first point of assistance contact for the returning veteran. Ideally it should come last.

The job of the VSO is to act as an ombudsman creating synergy with the highly successful VDP program and with an equally successful peer to peer mentoring process going on at the Post level. The VSO submits claims based on the veterans service connection and assists with coordination to other veteran service agency resources (VSAs) in each county. Peer mentoring in the Post identifies the needs based on anonymous sessions. Anonymous mentoring must continue in the Posts. It works.

There are approximately 15 active VSO officers in place, in organizations like the VFW, Disabled American Veterans and several others. Funding for these Officers comes from the organizations themselves and the State. Our request would double that cadre of Officers and create ground level, properly staffed, geographically diverse VSO placement. It would be in a manner completely compatible with existing Veteran Service Agencies in each county. The funds would be budgeted and disbursed by the Division of Veterans Affairs.

I am Linda McKinnis, a U.S. Army veteran and Legislative Coordinator for the Disabled American Veterans. I am both a Veteran Service Officer and a Peer to Peer mentor. Anonymous settings for veterans to unbundle their problems is the only way to get at the very serious stress that can follow active service for your country regardless of when you were there. I am here to draw your attention to Peer to Peer funding. Thank you very much for the \$300,000 you have put in the budget for our peer programs for the past six years. That funding goes to the Posts for this baseline activity and must be increased to at least a million dollars.

Meanwhile, the Governor has set aside \$1 million for peer mentoring as well. He set this aside in the context of providing mentoring for the Veterans Treatment Court initiatives and it seems that this mentoring would go on as part of alternative sentencing. Since it is for Veteran Treatment Courts, it will be principally for veteran non-violent misdemeanors cases, as directed by the Office of Court Administration.

I have two questions. Where will those mentors come from? We are hopeful that the million dollars will be used in an interactive way and contribute to the mentoring going on every day in our Posts. However, if we don't know how this will play out, I would strongly urge the Legislature to continue funding your program as you have been, and please increase it.

Scott Westcott is here again to wrap up. You have now heard all of our requests. We need \$3.4 million dollars this year to help our veterans in need. And please don't forget the Governor's initiative to modernize charity gaming. It is a no cost item to the State and is how we self-fund. Please support Veterans helping other Veterans. Thank you.

**NYS Council of Veterans Organizations Members:** American Military Retirees Association, American Ex-Prisoners of War, AMVETS, Black Veterans for Social Justice, Inc., Blinded Veterans Association, Catholic War Veterans, Combat Infantrymen's Association, Inc., Disabled American Veterans, United Spinal Association, Fleet Reserve Association, Jewish War Veterans, Korean War Veterans Association, Marine Corps League, Military Order of the Purple Heart, The Retired Enlisted Association, Veterans of Foreign Wars, Civil Service Employees Association Veterans Committee, Council 82 AFSCME AFL-CIO Veterans Committee, County Veterans Service Officers Association of New York State, Public Employees Federation Veterans Committee, 369th Veterans Association, Inc. United Federation of Teachers, Veterans Committee, Veterans Defense Program, Veterans for Peace.

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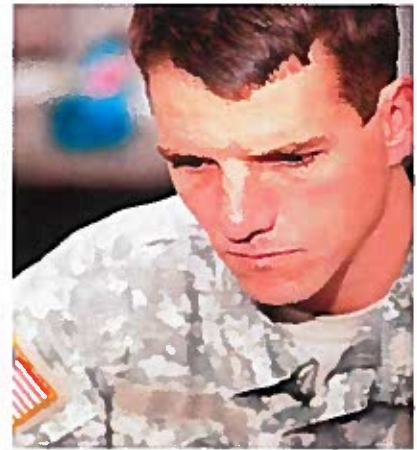
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## **NYSDA Veterans Defense Program \$1.45 Million FY 2017-18 Budget Request**

### **Critical Need for a \$950,000 Increase to Open a Downstate Office & Expand Upstate Office with Criminal Defense and Family Court Attorneys & Social Worker Case Managers**

**The Veterans Defense Program (VDP) provides in-depth training, support, and legal assistance to engender informed and zealous representation of veterans and service members in the New York State criminal and family court systems. The VDP—the first in the nation—was launched in response to a crisis situation where growing numbers of veterans with untreated, service-related mental health illnesses are lost in the criminal justice system. Studies have reported epidemic numbers of Iraq and Afghanistan War veterans with mental health illnesses. Previous research found significant numbers of Vietnam War veterans had undiagnosed PTSD.**

**Sadly, of the 508,974 Post-9/11, Gulf War, Vietnam and Korean veterans, approximately 152,692 veterans in New York State have mental health ailments, and studies show 50% are not receiving treatment. The U.S. Veterans Administration and Institute of Medicine report such veterans are at significant risk of arrest as their trauma symptoms can lead them to criminal conduct.**

The VDP's assistance provides a second chance for veterans who have lost their way and facilitates a treatment-oriented mitigation approach. The VDP's effective representation and assistance to public defenders saved veterans from incarceration, providing them with treatment leading to family restoration and integration into society.

In 2016, the VDP received \$500,000 from the State. **The increase of \$950,000 is for the VDP to:**

- **Open a Downstate office with 4 family court and criminal defense attorneys, a social worker/case manager and staff support to assist thousands of downstate veterans facing family or criminal justice issues, and**
- **To expand its overburdened WNY Batavia office with an additional criminal defense attorney and a social worker/case manager to assist thousands of veterans.**

The VDP has assisted or trained over 1,000 veterans and public defense attorneys representing veterans in New York State's criminal court and family court systems, including: Legal assistance for veteran criminal justice and family court cases; Comprehensive training for lawyers defending veterans; and Expert referrals and information provided to veterans.

## **Strong Support for Veterans Defense Program**

***Many veterans, attorneys, government officials and organizations support the NYSDA Veterans Defense Program's budget request to create a Downstate office and to expand its Western New York Batavia office.***

**"The establishment of an NYC office would enhance the VDP's ability to assist thousands of criminally charged veterans in the City as well as their counsel, especially in seeking mitigation and alternative dispositions. It is my hope the VDP obtains the funding resources it needs to establish a NYC office to help more justice-involved veterans." *Lisa Schreibersdorf, Executive Director, Brooklyn Defender Services***

**"I strongly support the work of the VDP to help the defense bar more effectively represent veterans, especially in seeking mitigation and alternative dispositions with treatment and rehabilitation." *Jerry Ader, Chief Defender of Genesee County.***

**"The proposed New York City VDP office would effectively broaden the scope of services provided to our nation's bravest patriots. In order to serve our deserving veterans, we must understand the complexity of mental illness. We need lawyers with the training necessary to facilitate the defense of these wounded warriors." *U.S. Senator Kirsten Gillibrand***

**"I sincerely hope the VDP obtains the funds to establish a New York City office and expand the VDP's excellent work to assist more New York City justice-involved veterans." *Richard Greenberg, Former Attorney-in-Charge, NYC Office of the Appellate Defender***

**"The VDP provides a tremendous resource and I support the establishment of a NYC VDP office." *Attorney Stephanie Pope, The Legal Aid Society***

**"Our statewide veteran council, representing dozens of veteran groups, strongly supports the creation of a downstate VDP office and an expanded WNY office. The VDP is truly defending those who defended America." *Tom DeMeo, President, NYS Council of Veterans Organizations***

**"Our organization strongly supports the creation of a NYC office and an expanded WNY office for the Veterans Defense Program, as we appreciate their important work to help justice-involved veterans regain their status as productive members of society." *Matthew Tully, NYS Department Commander, Military Order of the Purple Heart***

**"The VDP has been a tremendous real time resource to my office. The provision of vigorous defense for veterans of our armed forces is invaluable." *Robert Linville, Chief Defender, Columbia County***



## Returning Veterans Assistance Program

### **\$1 Million Requested in 2017/2018 NYS Budget for Veteran Service Officers to Assist Returning Veterans**

Currently, the Veterans Defense Program of the NYS Defenders Association is too often the first point of contact for a veteran in trouble with the law. We need to prevent returning veterans from facing untreated mental health ailments, unemployment, homelessness, anxiety and depression that all too often lead to them entering the criminal justice system

A key part of the solution is to increase the number of Veteran Service Officers (VSO) in NYS. VSOs act as ombudsmen helping and guiding returning veterans to the programs and benefits tailored to meet their needs. They triage with all returning veterans in their geographic area to help them with economic, emotional and social issues *before problems arise*.

**A budget allocation of \$1 million would fund much-needed VSOs in Congressionally-recognized Veterans Service Organizations. Currently, it appears there are less than twenty VSOs residing in veteran service organizations like the Disabled American Veterans (DAV), and the Veterans of Foreign Wars (VFW).**

VSOs have a successful record in helping veterans, working with peer-to-peer mentoring activities at the Post level. The million dollar funding level would double the number of active VSOs currently in place in our Congressionally recognized organizations and create ground level properly staffed, geographically diverse placement of qualified personnel. **The NYS Division of Veterans' Affairs would establish funding criteria and accountability procedures, sending out a notice for members of Congressionally-recognized veteran service organizations to apply with experience in assisting veterans.** The Division would select final applicants and direct funds to new VSOs, taking into account veteran populations in each region and the level of need and existing groups.

It is important that the VSO interact with peer to peer mentoring going on in the Posts. The mentoring process determines needs through anonymous sessions, engages the VSO who in turn can submit claims based on a veterans service connection. It is the VSO that brings the resource parts together.

