



## Letitia James

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### **Testimony to Committee on Veterans; Committee on Mental Health, Developmental Disability, Alcoholism, Drug Abuse and Disability Services; and Committee on Courts and Legal Services**

#### **Oversight Hearing– Evaluating the City’s Veterans Treatment Courts**

**Wednesday, February 25, 2015 at 1:00 PM  
Committee Room - City Hall**

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I would like to thank City Council Members Ulrich, Cohen, and Lancman, as well as their respective committees, for holding today’s hearing to evaluate the City’s Veterans Treatment Courts.

I am here today because Manhattan is the only borough without a dedicated Veterans Treatment Court (with the exception of boroughs currently in the planning stages). Judge Robert Russell, presiding judge of the Buffalo Drug Court and Buffalo Mental Health Court, created the nation’s first Veterans Treatment Court in January of 2008 in response to the growing number of veterans appearing on his dockets who were addicted to drugs and/or alcohol and/or suffering from mental illness.

Approximately one year ago, on February 15, 2014 – six years after the creation of the first Veterans Treatment Court – Jerome Murdough, a Marine Corp Veteran died while baking in a 101-degree jail cell on Riker’s Island. Cause of death? According to the Medical Examiner’s Office, environmentally induced Hyperthermia; basically his body overheated because of critical exposure to heat over a prolonged amount of time. What was Murdough’s Crime? A misdemeanor trespassing charge and an inability to post \$2,500 for bail.

Murdough, a Marine Corps Veteran, suffered from Bipolar Disorder and Schizophrenia. The prescribed medication that he was taking impeded his body’s ability for thermoregulation; in other words, he was more sensitive to heat than others. This is why Murdough was placed in a mental health unit, so that he could be under constant observation. And this is where he died, because no one was around to observe him as his internal organs failed under the burden of a 101-degree jail cell.

It goes without saying, but, it must be said, Jerome Murdough did not deserve to die. This tragedy could have, and should have, been averted.

Veterans Treatment Courts follow the Drug Court model, a model that favors treatment over prison. In these courts, veterans receive access to specialized programs and services designed to get them back on track, all the while holding them accountable for their actions.



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Veterans, when compared to the general civilian population, because of their involvement in combat are more likely to develop mental health issues; such as, Traumatic Brain Injuries, PTSD and Depression. 30 percent of Vietnam and 20 percent of Iraq and/or Afghanistan veterans suffer from combat related PTSD. 23 percent of women veterans report having been sexually assaulted, and report suffering from MST (Military Sexual Trauma). More than half of service members report abusing alcohol. And more than 11 percent report misusing prescription medications.

These men and women volunteered to serve their nation; they volunteered to protect us from tyranny and terror. They bravely donned military fatigued uniforms and operated in conditions that we can never imagine. They fought for us, let's return the favor ... let's give them a fighting chance.

Research suggests that traditional community services may not be adequately suited to meet the needs of veterans in the criminal justice system. Veterans Treatment Courts have – in other boroughs and cities across the nation – proven their effectiveness. Veterans Treatment Courts have on countless occasions have rehabilitated veterans and placed them in direct contact with V.A. services and in many cases with specially appointed veteran volunteer mentors.

Had Jerome Murdough been arrested in a neighboring county with a Veterans Treatment Court, he would have received the help necessary to combat his alcoholism, mental health issues and his state of homelessness. But as we know that just wasn't the case. After meeting with and hearing from many veterans and veterans associations concerning Mr. Murdough's case, I wrote to the Honorable Jonathan Lippman, Chief Judge of the State of New York, to request that the State Unified Court System reassess the feasibility of erecting a Veterans Treatment Court in Manhattan. I also recommended the system submit an application for funding to the Veterans Treatment Court Planning Initiative, which is designed to assist jurisdictions in the planning and development of Veterans Treatment Court programs throughout our city.

From my understanding, the only barrier to opening such a court in Manhattan is funding for staff. This is why I will be reaching out to the office of Manhattan District Attorney Cyrus Vance to inquire if any settlement monies that have come to the State of New York could be used to fund staffing.

In addition to the Veterans Treatment Court Planning Initiative, my letter referenced the United States Bureau of Justice Assistance, which in Fiscal Year 2013 issued \$2.5 million in grants for these courts. The New York State Health Foundation has also given funding to train court personnel.

Thank you again for holding this hearing and I will be continuing my work in getting a Veterans Treatment Court in Manhattan.