

JOINT LEGISLATIVE PUBLIC HEARINGS

ON THE 2025/2026 EXECUTIVE BUDGET PROPOSAL

Written Testimony to

The New York State Senate Finance Committee
and
The New York State Assembly Ways and Means Committee on
the Human Services Budget

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Thank you for the opportunity to submit written testimony to the Joint Legislative Public Hearing on the Human Services section of the 2025/2026 Executive Budget Proposal as it relates to veterans programs. I am Nancy Farrell, the Director of the Veterans Defense Program (VDP), a statewide program of the New York State Defenders Association (NYSDA). The VDP provides assistance and expertise to attorneys and their veteran clients who suffer from the invisible wounds of war and are involved in the criminal and family court systems across the state.

I want to thank the Senate and Assembly for sponsoring the 2024/2025 Legislative add to the budget of \$500,000 for the statewide VDP (with a match of \$250,000 from the Assembly and \$250,000 from the Senate), and the Senate's sponsorship of \$220,000 for the VDP's Long Island/New York City office. The \$720,000 we received was instrumental in our ability to provide services to veterans. **This year, we are requesting restoration of the \$720,000 for the VDP in the state budget to ensure we can continue to provide crucial legal support to public defense attorneys representing veterans and peer-to-peer mentoring services.** Of the \$720,000, \$500,000 is for the statewide VDP and \$220,000 is for the VDP's Long Island/New York City office. NYSDA will also present this funding request in its budget testimony at the Public Protection hearing.

Intersection of Military Service, Mental Illness, and Criminal and Family Court Systems

Veterans returning home face indifference when suffering from a military-related mental illness and all too often do not receive timely treatment. After making tremendous sacrifices, many suffer from Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), major depressive disorder, and/or substance use disorder that negatively affect their cognitive abilities, judgment, and behavior, potentially drawing them into the criminal legal and family court systems and possibly leading to incarceration and/or loss of custody of their children.

Veterans often come into contact with these systems because they are struggling to integrate back into society while coping with these conditions. Many veterans experience one or more of the following barriers when leaving the military: difficulty securing employment because it can be difficult to translate military experience into the civilian workforce; unstable housing; social services that are hard to navigate or do not exist in their area; undiagnosed conditions or a lack of medical providers who have experience with treating veterans; and a lack of family connections and social networks outside of the military. When we overlook or ignore these unique challenges, as society often does, struggling veterans may end up being arrested, triggering a host of collateral consequences and further derailing their lives, resulting in homelessness, unemployment, estrangement from children and family members, or suicide. Veterans charged with a crime end up lost in a criminal legal system that does not address their core issues nor treat their underlying condition(s). There is no mechanism to identify veterans in the criminal legal system nor the family court system, and many are sentenced by courts that are unaware of their military experience, let alone any untreated health condition that caused or contributed to their offense.

Justice-involved veterans often do not have the funds to hire an attorney and are represented by public defenders. Public defense attorneys are rarely trained or prepared to adequately represent veterans who suffer from the invisible wounds of war, or to translate the combat experience of

their clients to explain resulting criminal behavior. Judges, prosecutors, and private criminal defense and family defense attorneys do not receive extensive training specific to veterans either. And, given that less than 7% of Americans are veterans, almost all the attorneys and judges who appear in the criminal and family courts do not have personal or family military experience to draw from in cases involving veterans.

Attorney Brock Hunter, a recognized national expert on veteran defense, summarized the situation: “We are fighting wars on the backs of volunteers and a smaller military, and we recycle the same troops back over and over, with many tours of duty. PTSD rates climb with each additional tour. The military culture is one of service and sacrifice: you deal with your problems privately and don’t complain or ask for help. Vets are badly treated and ignored in the criminal justice system. We need to give veterans support when they fall, particularly when they fall into the criminal legal system.” Defense attorneys need assistance and training to develop trauma-informed strategies for working with their veteran clients and mitigating their cases. This is exactly what the VDP provides.

The VDP’s Positive Impact

The VDP was the first program of its kind in the nation. Our goal is to ensure that each veteran has an effective advocate in New York’s criminal and family courts. The VDP is staffed with attorneys and support personnel who have deep experience and commitment to working for veterans in the criminal and family courts. Our case managers, who are all veterans, provide peer-to-peer mentoring and assistance to veterans and their families.

The VDP strives to ensure that every veteran’s story is properly presented to the court with the goal of securing veterans the treatment they need and deserve and just, trauma-informed dispositions. In many of the cases where the VDP attorneys provided substantial legal assistance, veteran clients received treatment and probation, avoiding incarceration. Our 2023 Annual Report (attached) includes examples of the VDP’s impact on individual cases. Our 2024 Annual Report showing our recent accomplishments will be available soon and will be distributed to legislators.

In addition to the direct work the VDP attorneys do with veteran clients, the VDP also trains defense attorneys in the best practices of representing veterans, including military culture and cultural competence, the effects of PTSD, TBI, and Military Sexual Trauma (MST), and trauma-informed representation. Additionally, as Veterans Treatment Courts continue to expand across New York State, the VDP is working closely with the newly formed courts and existing courts to provide training and other technical assistance to judges, prosecutors, defense attorneys, mentors, coordinators, and other stakeholders.

Celebrating the 10-Year Anniversary of the Veterans Defense Program

The VDP has been providing support to veterans and their attorneys for over ten years. On May 30, 2024, the New York State Assembly adopted a [resolution](#) commemorating the VDP’s 10th Anniversary. We are grateful for the continued support from the Senate and Assembly. The VDP has assisted hundreds of veterans this past decade and saved the State millions of dollars of incarceration costs. The VDP has been very successful, and we are proud of our ongoing work on behalf of veterans.

Restoring State Funding for the VDP Helps Guarantee Justice for Veterans

Despite the services we provide to New York’s veterans, the proposed Executive Budget does not include any funding for the Veterans Defense Program. Veterans with visible and invisible military wounds need treatment and an alternative resolution process in the criminal and family legal systems. The Legislature needs to restore the \$720,000 in funding that was appropriated for the VDP in the 2024/2025 State Budget. Without restoration, the VDP will no longer be able to operate in New York.

| NYSDA’s Veterans Defense Program: 2025/2026 amounts needed for restoration | |
|---|------------------|
| Assembly | \$250,000 |
| Senate | \$250,000 |
| Senate- Long Island/NYC office | \$220,000 |
| Total | \$720,000 |

The VDP Strongly Supports Funding for Other Veteran Programs

The VDP has developed excellent working relationships with a large number of veteran agencies and groups across the state, including the New York State Department of Veteran Services, VA Health Administration, Veteran Justice Outreach Program offices, county Veterans Service Officers, and longstanding veterans organizations such as the Rochester Veterans Outreach Center, the Buffalo Veterans One Stop Center of Western New York, the New York State Council of Veterans’ Organizations, and Clear Path For Veterans.

We ask the Legislature to support continued funding for the Joseph P. Dwyer Veterans Peer to Peer Program so that it is available to veterans in every county. We also support full funding for Veterans Service Officers (VSOs) so they can continue offering training and services, such as assistance with discharge upgrades and benefit applications, which in turn bring added federal dollars into New York.

Conclusion

The VDP is committed to giving justice-involved veterans access to the best possible legal representation and connections to needed treatment and other valuable supports. We need your help to continue our crucial work across all of New York State.

For the 2025/2026 SFY, we request restoration of the \$500,000 for the statewide VDP (with a match of \$250,000 from the Assembly and \$250,000 from the Senate), and restoration of the Senate’s sponsorship of \$220,000 for the Long Island office, which supports veterans in Nassau and Suffolk counties, as well as the five boroughs of New York City.