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March 1, 2016

Hon. John J. Flanagan
Room 330, State Capitol Building
Albany, NY 12247
flanagan@nysenate.gov

Hon. Carl E. Heastie
Room 932, Legislative Office Building
Albany, NY 12248
speaker@assembly.state.ny.us

Dear Temporary President Flanagan and Speaker Heastie:

I write as the President of the District Attorneys Association of the State of New York ("DAASNY") to enthusiastically support S 6595 (Carlucci), relating to creating "Problem Solving" local Justice Courts. I urge all members of the Legislature to vote to pass this bill as soon as possible to help New Yorkers -- both victims and defendants -- whose cases are seen in criminal Town and Village Justice Courts and who will benefit from these specialized local courts.

By way of background, unlike County, Supreme or Family Courts that have county-wide jurisdiction, local Justice Courts only possess jurisdiction over criminal cases committed within the geographical boundaries of that Town or Village.¹ As currently constructed, the law does not allow these cases to be moved from one local court to another, even within the same county. The only cases that can now pass these jurisdictional lines are "drug court" cases. In other words, unless you have a large enough city to have City Court or a District Court, which many counties do not, you are statutorily barred from having other types of problem solving courts like mental health or youth courts.

Rockland County, where I am the District Attorney, was the first county in New York to have a drug court in the Local Justice Court system – the Rockland County Drug Court. Drug courts are successful because they concentrate desperately needed services in a single setting, rather than dispersing them in various Justice Courts. These hub courts allow cases from many local courts to go to an experienced, specially trained judge. They also allow services, such as in- and outpatient drug treatment programs, as well as educational and related services, to exist in one place. This helps the offender to recover from addiction without asking them to drive to multiple venues to access the wraparound services they need to move to a healthy and pro-social pathway. It also

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produces cost savings for the defendant and the taxpayer. Indeed, because of our overwhelming success with the Rockland County Drug Court model, the Legislature extended the scope of the model statewide, allowing countless other less populated jurisdictions to implement drug courts and better serve their communities.

Many of these same jurisdictions are interested in moving forward with other problem solving courts such as youth courts, veteran courts, or mental health courts. I, for one, recently started researching how to create a similar local court for defendants with mental health problems as well as a court for our youngest offenders; I was dismayed to discover that I was barred from doing so based on outdated statutory law dictating the confines of local and village courts.

Yet the problem is far from insurmountable; a simple legislative fix will allow the implementation of such courts throughout the state, regardless of the size of the city.

S 6595 would enable a wide array of problem solving courts to address particular populations of victims or defendants. These include specialized courts for people with mental health issues, domestic violence victims, young offenders, and others. Essentially, a single legislative act would allow District Attorneys and the Office of Court Administration to create courts that will assist in solving particular issues facing each community, in every county.

It is expected that, as with drug court, these other problem solving courts will help reduce recidivism and increase public safety. I thank Senator Carlucci for his vision in introducing this legislation and urge that this bill be passed as soon as possible so we can begin to create these important and progressive courts for our residents.

Respectfully Yours,



Thomas P. Zugibe
President, DAASNY
District Attorney, Rockland County

cc: Senator Carlucci (carlucci@nysenate.gov)
Senator Bonacic (bonacic@nysenate.gov)
Senator Nozzolio (nozzolio@nysenate.gov)
Assembly Member Lentol (LentolJ@assembly.state.ny.us)
Assembly Member Weinstien ([WeinstH@assembly.state.ny.us](mailto>WeinstH@assembly.state.ny.us))

ⁱ Counties with District and City Courts, or larger counties not constrained by these restrictions, benefit from youth courts, mental health courts, and veterans courts, among other specialty courts.