

Senate Committee on Appropriations
Subcommittee on Commerce, Justice, and Science, and Related Agencies

Outside Witness Testimony
Fiscal Year 2020 Appropriations

Statement of Hon. Timothy McCarthy
District Court Judge, Johnson County, Kansas

on behalf of the National Association of Drug Court Professionals
May 10, 2019

Chairman Moran, Ranking Member Shaheen and distinguished Members of the Subcommittee, I am honored to have the opportunity to submit my testimony on behalf of this nation's over 3,000 treatment courts, including drug courts and veterans treatment courts, and the 150,000 people they will connect to life-saving addiction and mental health treatment this year. Given the unprecedented success of these programs, and the urgent and growing need for solutions to the addiction epidemic that promote both public health and public safety, **I am requesting the Congress maintain the enacted fiscal year 2019 numbers of \$77 million for the authorized Drug Court Discretionary Grant Program (Pub. L. 115-271) and \$22 million for the authorized Veterans Treatment Court Program at the Department of Justice (Pub. L. 114-198).**

As a judge, I see firsthand the devastation addiction causes individuals, their families and the community. Before treatment courts, there were few sentencing options to break the cycle of addiction and related crime. I now have the honor of presiding over the Johnson County Veterans Treatment Court, the first such court in the state of Kansas. Federal funding from the Department of Justice helped us launch, sustain and grow our program. Simply put, it has saved lives.

Our veterans treatment court opened in early 2016 after we recognized that too many veterans were coming before the courts to face charges for crimes stemming from substance use and mental health disorders. Often, these are men and women who served their country honorably – many in combat – and have simply lost their way.

Johnson County resident, Evan Zimmerman served four years in the United States Marine Corps, traveling the world at the ready to defend our freedom. When he completed his service, he struggled to adjust to life at home. Alcohol helped him cope, opioids kept him numb. His drug use spiraled and eventually he was using heroin and methamphetamine. As Evan's life fell apart, he drifted further and further away from the honorable soldier he once was. Like many, he turned to stealing to support his habit. When I met him, he was charged with felony theft and facing several years in prison.

In veterans treatment court, Evan was surrounded by other veterans making it easier to admit he had a problem and accept the help that was being offered. With the support of the veterans treatment court team, Evan received mental health treatment and, as he began to embrace recovery, he was connected to additional local, state and federal resources to put his life

back together. Along the way, Evan met regularly with a volunteer veteran mentor who helped keep him on the right path.

I watched as Evan slowly turned back into the courageous young man who signed on the dotted line to serve his country. I saw him become a dedicated father, find passion in his work and be at service to his community.

Today, Evan is a proud graduate of the Johnson County Veterans Treatment Court. He has full custody of his two-year-old daughter and is a manager for a screen-printing company where he supervises 10 people. I often think of how much better off we are with Evan in the community as opposed to behind bars.

I led the effort to establish a veterans treatment court in Johnson County. In 2014, we received DOJ-funded training on starting a veterans treatment court. This training was instrumental to our successful planning and, ultimately, to Evan's success. Two years ago, we were awarded a DOJ grant so that we could expand our capacity. I know firsthand the impact and importance of this federal funding. Had it not been for the DOJ funding, we would not be able to serve more veterans in crisis.

The training we received ensured our veterans treatment court follows best practices. Our program includes a track for both diversion and probation cases. We determine eligibility by using an evidence-based risk/needs assessment and, by partnering with our county mental health association, we are able to accept some veterans who are not eligible for services through the Department of Veterans Affairs. For those who are eligible, a veterans justice outreach representative from our local VA medical center is in court to ensure they are connected to evidence-based treatment - including addiction medication when appropriate.

I work with treatment providers, law enforcement, probation, defense and prosecution to provide ongoing supervision, support and accountability. Our team responds to non-compliance swiftly and appropriately, and rewards our participants when they achieve an important milestone. Over the course of 12 or 18 months, we address the myriad of issues that may be preventing long-term recovery.

Research continues to confirm that this comprehensive approach works. The Government Accountability Office finds drug courts reduce crime by up to 58%. Widely regarded as the most comprehensive study on drug court to date, the Department of Justice National Institute of Justice Multi-Site Drug Court Evaluation (MADCE) confirmed drug court significantly reduces both drug use and crime, and found cost savings averaging \$6,000 for every individual served.

This community-based approach identifies and meets individual needs beyond clinical treatment. The MADCE found drug courts improve education, employment, housing and financial stability for nearly all participants. They are proven to promote family reunification, reduce foster care placements and increase the rate of addicted mothers delivering babies who are fully drug-free.

In 2016, Community Mental Health Journal released the first published study on veterans treatment courts and concluded that participating veterans experienced significant improvement with depression, PTSD and substance use, as well as with critical social issues including housing, emotional well-being, relationships and overall functioning. The study further concluded that veterans who receive trauma-specific treatment and mentoring not only experienced better clinical outcomes, they reported feeling more socially connected.

Behind the statistics, however, are real people who come before me mired in the deepest depths of addiction; individuals with little hope for a future without drugs; who've been given up on by their friends and families. People like Don Miller, who spent four years in Iraq with the United States Army. For years after coming home he was haunted by the combat he had experienced, his anxiety exacerbated by untreated post-traumatic stress disorder (PTSD). He turned to substances to cope and his life spiraled out of control. When he first appeared before me in veterans treatment court, he was facing a plethora of legal, financial, family, medical and even dental issues. Don could have been lost to the system, but instead we went to work helping him rebuild his life.

In January, Don graduated from veterans treatment court. No one in attendance will forget what he said that day. During the ceremony he held up a crisp \$20 bill and crumpled it into a ball. He then unfolded it and observed that the value of the bill was unchanged. He said: "No matter how life sullies our minds, souls and beliefs, human beings still have value. I thought there was no way to ever get back to being a hero, whether it be in the eyes of society or in the eyes of my own wife and children... veterans court really stepped in and restored my faith in humanity. They've really shown me sincere, true empathy and really took some of those sorrows that I was carrying around, some of those burdens, off my back."

Veterans treatment court gave Don the opportunity for redemption. Not only that, it gave his wife back her husband, his children their father, and our community an inspiring civic asset.

Today, there are 15,000 veterans like Evan and Don participating in over 400 veterans treatment courts across the country. This is a fraction of the 150,000 individuals who are currently receiving treatment in a drug court or veterans treatment court nationwide.

What started as an experiment three decades ago, drug courts and veterans treatment courts are today the most successful strategy for addressing addiction and mental health in the justice system. Like so many communities, Johnson County has been devastated by the opioid epidemic and the greater addiction epidemic gripping this nation. Drug courts and veterans treatment courts ensure there is an effective, evidence-based response that saves lives, reunites families and makes the community safer.

I encourage this committee to focus on proven programs which guarantee financial returns and measurable success. There is no better example than drug courts and veterans treatment court.