



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

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*BROOKLYN DEFENDER SERVICES***

Presented before

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Committees on Veterans, Courts & Legal Services, and Mental Health

Public Hearing on Veterans Treatment Courts

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My name is Cameron Mease and I am a trial attorney with Brooklyn Defender Services (BDS). Our organization provides innovative, multi-disciplinary, and client-centered criminal defense, family defense, immigration, civil legal services, social work support and advocacy to more than 40,000 indigent Brooklyn residents every year. I thank the New York City Council Committees on Veterans, Courts & Legal Services, and Mental Health for the opportunity to testify on New York City's Veterans Treatment Courts.

BDS is fortunate to have the support of the City Council, as well as other elected officials and the Office of Court Administration, to supplement the services we provide as the public defense office in Brooklyn for people who have been arrested, those who are facing child welfare allegations and those who are facing deportation. We have developed a model of specialization to best represent certain types of clients, most notably those with mental illness and those who are adolescents. Through specialized units of the office we provide extensive wrap-around services that meet the needs of these traditionally under-served clients in a comprehensive way.

I have been a criminal defense attorney at BDS for four years, representing clients facing misdemeanor and felony charges. When BDS's Executive Director, Lisa Schreibersdorf, asked me to create a new, specialized unit for veterans, I took on this role as a challenge, but also as an honor. My own grandfathers were combat veterans and shared (and didn't share) many of their

experiences serving our country. My own personal history, specialized trainings, and my experience knowing and representing dozens of men and women who honorably served our country give me a perspective on Veterans Treatment Courts that is unique. I hope that my comments are helpful to the Council.

As you may know, veterans are arrested at a greater frequency than non-veterans. Many of the veteran clients I see in my practice have mental health and/or substance abuse issues that were caused by active duty. The most prevalent and pernicious diagnoses involve Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI). Individuals with such diagnoses often suffer from depression, impulsivity, and a lack of self-control, leading to situations and behaviors that result in an arrest. Such individuals frequently turn to chemical substances to cope with these symptoms, which can lead to allegations of drug possession or charges related to actions committed while under the influence of drugs or alcohol.

Ample research, as well as BDS's direct experience, has demonstrated that people with mental illness do not fare well in jails or prisons. Veterans with PTSD or TBI experience severe trauma due to the fact that the jail environment is likely to trigger their illness and greatly exacerbate their mental health symptoms. It is our strong belief that special consideration of veterans' experiences must be integrated into any court proceedings, in order to minimize the time such clients are incarcerated.

Brooklyn's Veterans Court started in 2009 and has been expanding its services and incorporating more and more veterans into its eligible pool of participants ever since. In the course of my representation of veterans accused of criminal acts, I often pursue admission to the Brooklyn Veterans Treatment Court. From my experience, the Veterans Treatment Court provides critical avenues for healing and recovery to individuals - my clients - who deserve, for their selfless service to our great nation, just, non-jail, evidence-based treatment interventions.

Based on my experience, this specialized focus is extremely helpful in reducing the long-term collateral consequences of a conviction, such as limited employment and educational options, loss of housing, deportation and loss of familial relationships. The targeted intervention of the Veterans Court also increases the likelihood of successful reintegration of veterans into community life, improves my clients' long-term treatment options, increases treatment compliance once the case is completed and reduces the chances of re-arrest.

Our Veterans Court currently accepts only cases in which our client is charged with a felony. Recently, the two judges who oversee these cases called for an enhancement of services and an expansion to other categories of cases, specifically misdemeanors, to better serve veteran offenders and communities. This expansion and enhancement effort is supported by our partners in the court: judges, prosecutors, and public defense organizations in Kings County. The broader range of opportunities for our veteran clients is seen by all the stakeholders as a way to both address the humanity of those who fought for our country and decrease the likelihood of their re-arrest.

As I will discuss later, I am proud to be part of the planning for the new misdemeanor Veterans Court, which is being formed because data from the Criminal Justice Agency shows that the vast majority of veterans who get arrested are facing these lower-level charges.

It goes without saying that the actors in Brooklyn Veterans Court - the judges, the Assistant District Attorneys and the public defenders - have enormous appreciation for the plight of our veteran clients. An Assistant District Attorney with the level of discretion necessary to authoritatively assess cases has been assigned to this task for many years and has developed the expertise to understand the unique considerations that go into such an assessment. One of the two judges adjudicating these cases is a veteran himself. Both judges strive to exercise great compassion and empathy in adjudicating cases. This is displayed in all of the protocols of the court, including the communication between judge and veteran-offender. For clients who may feel disillusioned or even betrayed by a government system that they once risked their lives to protect, this last piece is essential. When the judge sitting on the bench thanks my client for his or her service to our country during a first appearance in the court, my client immediately stands up straighter and listens more attentively. BDS strongly believes that the success of any treatment court requires that all personnel, from the judge, to the prosecutor, defense attorneys, court officers and service providers, have a shared mission: the creation of a meaningful diversion plan for clients and the facilitation of their success in its completion. We have been fortunate to have these common goals in Brooklyn and we recommend that this be the first ingredient in any similar court.

One of the essential functions of the Brooklyn Veterans Treatment Court is that it is a hub of resources for our veteran clients. These community-based services are really at the core of the solution for our clients and help them build ongoing relationships with the staff and judges in the treatment court. Following the example of other Veterans Courts, including the highly-successful Buffalo court, our veteran clients in the court are assigned a veteran-mentor. These mentors are drawn from a community of veterans, some of whom were previously incarcerated themselves. They are all volunteers and they help guide our clients through their treatment. These mentors are immediately able to connect with my clients due to their similar prior experience. The fact that such mentors are made available to my clients also signals to them that the court is invested in their success. This fact alone motivates many clients to direct their interest and energies into helping themselves. Utilizing community resources further widens the network of people that veterans can go to when they feel they need support, even after their cases have concluded. Community mentors are also uniquely well-positioned to engage a veteran client who might otherwise withhold information or be unwilling to seek assistance due to pride or misperceived notions about what they are experiencing.

Through the Veterans Court, my clients are connected with VA services and benefits that will be useful to them for the rest of their lives. Many were not even aware of their right to receive these benefits. Clients of BDS are also helped through our in-house services, including access to immigration and housing lawyers and social workers who specialize in the issues facing our clients and their families. We believe that the greater the services provided to these clients, the better the chance of successful re-entry into the community.

In many cases in Brooklyn, our District Attorney sees fit to dismiss a case after an eligible defendant completes the treatment mandate and is on a better path, including becoming connected to the veterans community-at-large. This is a significant advantage to our client, who is now able to move on with his or her life without the burden of a criminal conviction and the limitations such a conviction can place on his or her life. There are also cases where outright dismissal is not offered and our prosecutor believes that ensuring the offense is recorded on the

client's record is important to public safety. Even in such cases, the experience of Veterans Court has been a win-win for everyone. My client will still have received much needed services and has potentially turned a bad situation into a motivating factor to improve his or her life. In all cases, the court is assured of compliance through strict monitoring procedures and the prosecutor can know that a person who may have been dangerous has now received the help and treatment he or she needs to be safe to the community. In addition, our society can feel good that someone who risked their life for our country is being treated with the dignity and compassion we want for our veterans.

With the success of our Veterans Treatment Part in Supreme Court, we are now in the process of establishing an analogous court in misdemeanor Criminal Court. Brooklyn has a great deal of experience in a multitude of specialized treatment-based courts, a factor that helps us move through a collaborative planning and implementation process quickly and effectively. I have been included in the process for this new treatment court and BDS' point of view and ideas are very much heard and incorporated by the other stakeholders. We would like to emphasize this point because it is the opinion of BDS that defense participation in planning a treatment court is essential in forming a strong and fair court that is successful over the long term.

We hope for a "soft open" of the new misdemeanor veterans court this summer and an official open the week of Veterans Day. I know that this expansion to misdemeanor cases will allow us to reach and benefit an even greater number of veterans in need of help and rehabilitation in Kings County. As we continue to develop these specialized parts in Brooklyn, I hope that you, as elected officials, will visit our court and see how your veteran constituents can benefit.

The drawdown of deployments in our conflicts abroad means the return of many more veterans to New York City. These men and women are coming home from combat situations without the benefit of adequate transition time or of the type of programming that may help them cope with the enormous adjustment they must make. Many of these individuals have had multiple deployments and are not even aware of the toll that the experiences had on them. Coming home, there is always a chance that they will commit an act that is not really in their nature, but that is rather a result of the stresses they are under or the ways in which they cope with such stress—namely drugs or alcohol. This is why it is more important than ever that the successful and effective use of Veterans Courts be continued and expanded.

I am grateful for your time and for this opportunity to speak on a topic that has provided the most meaningful experience of my professional career. I hope that you will do all that is in your power to secure effective treatment to help all of the brave New Yorkers who served this country and who deserve compassion, kindness, mercy and our gratitude.