



NEW YORK STATE SENATOR

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Organizations Representing More Than 200,000 NYS Veterans Urge Passage of Griffo, Brindisi Bill

JOSEPH A. GRIFFO May 20, 2014

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Bill Creates Criminal Justice Framework to Ensure Veterans with Untreated Mental Health Conditions Receive Treatment & Fair Process

ALBANY - Organizational leaders representing over 200,000 veterans urged passage of the Justice for Our Veterans Act today, calling for a criminal justice framework that ensures untreated veterans with mental health illnesses receive treatment and a fair process. The American Legion and the Veterans Defense Program of the New York State Defenders Association (NYSDA) joined Senator Joseph Griffo and Assemblyman Anthony Brindisi, sponsors of the Justice for Our Veterans Act, [A.7529](#) and [S.5624](#).

Senator Griffo, R-Rome, said, “This bill creates humanitarian procedures so that veterans in the criminal justice system receive treatment and consideration if they are suffering from a mental health illness as a result of military service, and it may have played a role in their criminal offense.”

Assemblyman Brindisi, D-Utica, said, “There is a national mental health calamity for many veterans of the last decade. In New York, a RAND Corporation study found nearly one in four returning veterans since 2001 had an unusually high rate of mental health problems, including Post-Traumatic Stress Syndrome (PTSD), Traumatic Brain Injury (TBI) and major depression. Sadly, only 50% of them are receiving adequate treatment according to another RAND study.”

Police Captain Stephen Coville of the U.S. Department of Veterans Affairs* and a U.S. Army Command Sergeant Major with numerous medals, including two Bronze Stars, said “Untreated veterans with mental health conditions who commit a crime are lost in the criminal justice system. The men and women who put their lives on the line for America’s freedom deserve any needed support upon returning home.”

Art Cody, NYSDA Veterans Defense Program Legal Director, retired Navy Captain and a recent Afghanistan veteran said, “There is no statewide mechanism to identify veterans in the criminal justice system. Many “slip through the cracks” and are sentenced by judges unaware of their status, let alone if they have a mental health condition that may have contributed to their criminal act. While we as a grateful nation support our troops, this bill puts that pledge into action. It directly assists, in a concrete way, the most vulnerable of our returning warriors. Parades on Veterans Day are nice, but this bill is what is needed.

Mark Williams, the Cattaraugus County Public Defender, current Commander of the American Legion in Cattaraugus County and a retired Commander in the Judge Advocate General's Corps, US Naval Reserves, said “We need a framework to allow both judges and prosecutors to be informed about the effects of military service on the mental health of some veterans whose conditions are being overlooked or misunderstood in the current criminal justice system. A majority of counties, including mine, do not have veterans courts to deal with the special circumstances vets face when charged with a crime. And, the 19 veteran courts or tracks in the 17 counties that have them usually limit eligibility to only misdemeanors and nonviolent felonies. We need to look at every one of our vets that come into contact with the criminal justice system in all of New York State to see if there are circumstances that merit their inclusion in a veterans' program.”

Jonathan E. Gradess, Executive Director of the New York State Defenders Association, said, “A *New York Times* 'Special Report from the War Zone' investigated 121 soldiers who came back

from Iraq or Afghanistan, had no previous criminal record, and committed homicides. Many of them were suffering from mental health conditions related to their military service. Sadly, some subset of peoples' mental health is seriously impacted by their military combat experience. However, this bill is not a "get out of jail" card for anyone. It is an opportunity for vets to receive treatment if they are negatively affected by a serious service-related mental health ailment that has some role in the charged offense. The bill first requires the Court to determine if confinement of any defendant accused of a felony is necessary for the protection of the public."

**Organization listed for affiliation purposes only.*