



NEW YORK STATE SENATOR

Catharine Young

Senator Young and Assembly Member O'Donnell Call on Governor to Sign Legislation in Wake of Recent Subway Murder

CATHARINE YOUNG December 18, 2014

| ISSUE: **CRIME, CORRECTIONAL, COURTS**

For Release: Immediate, December 18, 2014

Bills Sent to the Governor That Would Require Stronger Public Protections and Better Treatment for Released Inmates with Mental Illness

ALBANY - In wake of the recent subway murder allegedly committed this November by a violent felon recently released from prison, Senator Catharine Young and Daniel O'Donnell are urging Governor Andrew Cuomo to sign their bipartisan bill that was recently sent to his desk and would ensure mentally ill inmates are not freed without proper evaluation and treatment.

Democrat O'Donnell and Republican Young worked together to pass the legislation in June after Daniel St. Hubert stabbed two children in a public housing complex elevator nine days after being released from prison without medications or community mental health services. This occurred despite his having documented mental health problems and having committed several violent acts while he was incarcerated. The six-year-old boy, P.J. Avitto, died from the attack, while his seven-year-old playmate, Mikayla Capers, suffered serious wounds.

The most recent tragedy in a long string of similar incidents occurred on November 16 when Wai Kuen Kwok, a Bronx father of two, was shoved into the path of an oncoming subway train without any warning or provocation. Days earlier, on November 6, another man was attacked on a subway platform by the same suspect. That victim suffered injuries bad enough to require treatment at NYU Medical Center.

The suspect in both incidents, Kevin Darden, has been arrested more than 30 previous times, with a history of violent crimes prior to Wai Kuen Kwok's horrific murder. Darden's mother reported that her son has psychiatric issues but she had difficulty getting him treatment.

"There are thousands of cases where violent mentally ill inmates are allowed back into society without any follow up, whether it is in New York City or upstate. On Christmas Eve we will mark the tragic two

year anniversary of the ambush and coldblooded shooting of two first responders in Webster, New York. Murderer William Spengler, who served 17 years in state prison for beating his grandmother to death with a hammer, set a blaze to lure the firefighters. Spengler spent time in a prison special unit for the mentally ill but was left unsupervised in the community,” Senator Young said.

“History just keeps repeating itself over and over. How many more innocent victims do there have to be before action is taken? Dangerous mentally ill inmates continue to be released on the streets without the necessary safeguards to protect the public,” said Senator Young.

“This bill represents a common-sense change to the corrections law that would protect our communities and improve outcomes for inmates. Inmates with mental health issues must be properly monitored and treated, and we cannot allow released inmates to lose access to treatments that keep them healthy and prevent violent outbursts. Now that both the Assembly and the Senate have passed this bill with overwhelming support, it is time for Governor Cuomo to protect New Yorkers by signing it into law,” said Assemblyman O’Donnell.

This summer’s incident highlighted a shortcoming in the law that needs to be changed. Currently, an exemption exists that excludes post-release mental health planning for mentally ill inmates who have not been cited for major infractions or any violent conduct for a year prior to release. Senate Bill 7818/Assembly Bill 10071 directly addresses this loophole by requiring corrections officials and community supervisors to develop and implement a post-release mental health plan and psychiatric monitoring for inmates who have been cited for a major infraction or recommended for mental health treatment within three years prior to release.

In the case of St. Hubert, the only apparent requirement upon his discharge was that he meet with his parole officer regularly, despite the fact that he had a known history of serious mental illness and violent behavior. The killer was diagnosed with paranoid schizophrenia while incarcerated for attempting to strangle his mother with an electrical cord. During his five years in prison he was cited for violent actions no less than 12 times. But St. Hubert refused mental health treatment while in prison and remained clear of serious trouble for the one year window prior to his release.

The bill also authorizes parole officers to initiate an involuntary mental health commitment proceeding if a newly-released parolee fails to abide by the treatment requirements set or is otherwise recognized to be a threat. In some cases, a parole officer may be the only professional in direct contact with a parolee after their release, yet they are currently not authorized to begin involuntary commitment proceedings.

“For too long mentally ill individuals in prisons, as well as our society, have been stigmatized and neglected. What is more, the violently mentally ill have been given insufficient treatment to prevent them from doing harm. Instead, they have been punished and then released, where they can only do more damage. Senator Young and I have drafted a bill that solves an urgent problem in our state. It is time it was signed into law,” said Assembly Member O’Donnell.

“We need to ensure this horrific body count does not continue to rise and that mentally ill people desperately needing treatment do not continue to fall through the cracks. The Governor has the power to stop the carnage if he signs this bill,” said Senator Young.

###