



NEW YORK STATE SENATOR

Catharine Young

Bill Sponsored By Senator Young Will Improve Mental Health Treatment, Increase Public Protection

CATHARINE YOUNG January 14, 2015

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New Law Will Ensure Violent Mentally Ill Inmates Are Not Released Without a Mental Health Evaluation and Treatment Plan in Place

ALBANY – Senator Catharine Young (R,C,I- Olean) announced today that Governor Andrew Cuomo has signed legislation she sponsored to provide greater public protection and better treatment upon release for inmates who suffer from a mental illness. The new law will ensure that mentally ill inmates are no longer released from a state prison without a proper mental health evaluation and treatment plan being established.

Beginning this year, corrections officials and community supervisors will be required to develop and, when necessary, implement a post-release mental health plan and provide medications for inmates who have received mental health treatment within three years prior to their release from a state correctional facility. 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 in their post-release plan, 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 previously were not authorized to begin involuntary commitment proceedings.

“Two years ago, William Spengler killed two first responders in a vicious Christmas Eve ambush that sent shockwaves across our state. That incident, coupled with the brutal stabbing of two young children by Daniel St. Hubert and Kevin Darden’s unprovoked subway platform attack on Bronx father of two Wai Kuen Kwok, has highlighted the need to address the treatment protocols for violent mentally ill inmates who are being released back into society. As we’ve seen, when inmates with a mental illness and a known history of violence are released without any follow up, the consequences can be extremely detrimental. This new law will help ensure that these horrific incidents do not continue to rise and that mentally ill people receive the treatment they need and are not simply released on to the streets without the necessary safeguards to protect the public,” said Senator Young.

“While many mentally ill people are not violent, if an inmate has received mental health treatment during their time in prison, they should not be released without an evaluation and plan for continuity of care. This new planning process will provide mentally ill individuals with the treatment they need, like medication orders, so that their care does not lapse and they remain under appropriate medical supervision,” Senator Young continued.

The legislation was passed in June in the wake of the stabbing of two young children by Daniel St. Hubert, who had been released from prison without medications or community

mental health services despite his having a documented serious mental health problem and having committed several violent acts while he was incarcerated. The need for the change became even more apparent this past November when Wai Kuen Kwok, a Bronx father of two, was shoved into the path of an oncoming subway train without any warning or provocation by Kevin Darden. Darden had been arrested more than 30 previous times and had a history of violent crimes and psychiatric issues but was not receiving treatment.

The implementation of a post-release mental health treatment plan for violent mentally ill inmates has received widespread praise from those in the mental health community.

“Senator Young has consistently worked to get the New York State mental health system to do what it has failed to do: focus on helping the most seriously ill. This approach improves care, keeps patients, the public, and police safer, and saves taxpayers money”, said DJ Jaffe, Executive Director of Mental Illness Policy Org.

“NAMI-NYS is grateful for the passage of the Prisoners Mental Health Discharge and Planning Act, which will advance the recovery of some of the most vulnerable people living with a mental illness. People living with psychiatric disorders who are released from prison face a myriad of challenges and we are confident that being supplied with the proper medication, support services and follow up, along with a defined recovery plan will maximize their mental health and prevent future arrests, recidivism and emergency room visits. We thank Senator Young and Assemblyman O’Donnell for sponsoring this legislation and Governor Cuomo for signing the bill into law,” said Wendy Burch, Executive Director of the

National Alliance on Mental Illness (NAMI).

Michael Ranalli, President of the New York State Association of Chiefs of Police, said, “The Passing of Senate Bill 7818 fills a gap that has existed within Kendra’s Law. Those inmates being treated for severe mental illness while within the state’s prison system will now be evaluated for inclusion into Kendra’s Law’s, Assisted Outpatient Treatment, prior to their release from prison. The New York State Association of Chiefs of Police is confident that the enacting of this law will not only reduce the recidivism rate of the otherwise untreated severely mentally ill inmates, in turn reducing the prison population of its most high maintenance prisoner. It allows community supervision directors to act swiftly when their field officer believes a supervisee to be in need of hospitalization. It will without a doubt increase the safety of our communities, and hopefully prevent the mass tragedies that have become all too common on our nightly news.”

The new law follows extensive evidence that has been accumulated from Kendra’s Law, that demonstrates keeping persons with a mental illness who are released from incarceration in treatment keeps the patients, public, and police safer, while saving money for taxpayers. Kendra’s Law, which Senator Young has previously worked to strengthened, has cut arrest and incarceration of mentally ill enrolled in it by over 80 percent.