



Legislation Text

File #: Res 0752-2003, Version: A

Proposed Res. No. 752-A

Resolution in support of the landmark Settlement Agreement in the case of Brad H. v. The City of New York, which provides mentally ill prison inmates with all the benefits of an adequate discharge plan prior to and/or immediately upon release from City prisons or jails, as mandated in Justice Richard Braun's 2000 ruling, which ruling was unanimously affirmed by the New York State Supreme Court, Appellate Division, First Department, and denied leave to appeal to the New York Court of Appeals.

By Council Members López, Barron, Clarke, Davis, Fidler, Gerson, Jackson, Martinez, Quinn, Sanders, Seabrook, Sears, Serrano, Vann and Gonzalez

Whereas, Seriously mentally ill persons who are released from City prisons or jails, such as those at Riker's Island, without an adequate discharge plan for continued medical treatment, often decompensate and engage in anti-social behaviors resulting in unintended criminal consequences; and

Whereas, Justice Richard Braun's ruling issued in July of 2000 in the New York State Supreme Court in the case of Brad H. v. The City of New York, 712 N.Y.S.2d 336 (Sup. Ct., N.Y. County) (September 12, 2000), aff'd 276 A.D.2d 440 (App. Div. 1st Dept.) ("Brad H."), which ruling was denied leave to appeal by the New York State Court of Appeals, mandates that such inmates receive adequate discharge planning services for on-going medical and mental health treatment; and

Whereas, The landmark Settlement Agreement (the "Settlement") in the Brad H. case provides that prior to or upon release from jail, mentally ill prisoners receive medications, prescriptions, discharge summaries, appointments for aftercare, Medicaid, and if necessary, access to the Medication Grants Program, assistance in obtaining Public Assistance and Food Stamp benefits, placement in housing or shelter with on-site mental health services for those persons who are homeless, and transportation; and

Whereas, The Settlement provides that mentally ill inmates must be released during daylight hours and provides them with the right to have family members and/or significant others, including a service provider, involved in the discharge planning process; and

Whereas, The Settlement provides that two independent monitors, one chosen by the plaintiffs and one by the City and who meet certain qualifications in the mental health care field, oversee the City's implementation of and compliance with the terms of the Settlement; and

Whereas, The Settlement provides for humane treatment of non-violent mentally ill inmates as they re-enter the community, and who with such appropriate on-going mental health care, such persons will have a much greater and more substantial opportunity to remain stable and become integrated into our communities, and thereby avoid the "revolving door" cycle of re-incarceration or re-hospitalization; and

Whereas, It is fair and equitable that such a high-risk prison population be afforded the opportunity to immediately receive medical treatment and the benefits of social services programs and discharge planning prior to and/or immediately following their release; now, therefore, be it Resolved, That the Council of the City of New York supports the landmark Settlement Agreement in the case of Brad H. v. The City of New York, which provides mentally ill prison inmates with all the benefits of an adequate discharge plan prior to and/or immediately upon release from City prisons or jails, as mandated in Justice Richard Braun's 2000 ruling, which ruling was unanimously affirmed by the New York State Supreme Court, Appellate Division, First Department, and denied leave to appeal to the New York Court of Appeals.

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