



## Legislation Text

---

**File #:** Res 1037-1999, **Version:** \*

---

Res. No. 1037

Resolution calling upon the appropriate Committee of the Council to hold an oversight hearing on the Police Department's procedures regarding the confiscation of life-sustaining prescription medication used to treat HIV-related illness, asthma or other disabling or life-threatening illnesses, from individuals arrested by the police.

By Council Members Lopez, Robles, Clarke, DiBrienza, Espada, Freed, Koslowitz, Marshall, Perkins, Pinkett, Quinn and Reed; also Council Members Eisland, Eldridge, Fisher, Harrison, Michels, Rivera.

Whereas, Upon the arrest of an individual Police Department policy requires officers to confiscate any medication in the possession of such individual; and

Whereas, Police Department policy also prohibits third parties from delivering prescription medication to an individual arrested unless such individual is transferred to a city hospital and the medication is dispensed by a physician; and

Whereas, Even if the arrested individual is taken to a city hospital, there is no assurance that the hospital pharmacy has the same crucial medication which has been prescribed to such individual; and

Whereas, In the case of individuals arrested who have AIDS and are taking HIV-inhibiting drugs, they must adhere to a strict time-based dose regimen of specific drugs, or risk developing a drug-resistant strain of the virus; and

Whereas, The individual arrested who develops a drug-resistant strain of the virus which causes AIDS may then infect others, thus causing a very serious public health risk; and

Whereas, The Police Department agreed in a 1992 settlement of the case *Grubbs v. Safir*, 92 Civ. 2132 (U.S. District Court), to improve certain conditions affecting pre-arraignment detainees, including improved access to prescription medication; and

Whereas, Seven years after the Department agreed to such settlement, current Police Department policy continues to be insensitive to the needs of individuals arrested who require their prescribed medications; now, therefore; be it

Resolved, That the appropriate Committee of the Council of the City of New York hold an oversight hearing on the Police Department's procedures regarding the confiscation of life-sustaining prescription medication used to treat HIV-related illness, asthma or other disabling or life-threatening illnesses, from individuals arrested by the police.

Referred to the Committee on Health

LS#2313  
JO:ts  
10/22/99 T-1999-11