



NEW YORK STATE SENATOR

Catharine Young

## Senate Passes Bill to Ensure Treatment Plans for Dangerous Parolees with Mental Illness

CATHARINE YOUNG June 20, 2014

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*Bill Would Require Better Treatment for Released Inmates with Mental Illness*

ALBANY - On June 1, 2014, 6-year-old P.J. Avitto and 7-year-old Mikayla Capers were in an elevator in their Brooklyn housing complex when they were both viciously stabbed. P.J. was killed while Mikayla was seriously injured.

Two days earlier, 18-year-old nursing student Tanaya Copeland was fatally stabbed more than 30 times while walking in Brooklyn.

And on June 4, 2014, a 53-year-old man was stabbed in a Manhattan subway station.

One man has been charged in the first incident and may have also perpetrated the other two crimes - Daniel St. Hubert. St. Hubert, a violent mentally ill convict, was released from state prison on May 23, 2014, without any mental health treatment plan in place after serving a five year sentence for attempting to strangle his mother with an electrical cord. Just one week later he is suspected of having begun the stabbing spree that has left two people dead and two more seriously injured, revealing a tragic lapse in the system.

This week, the State Senate passed legislation, [S.7818/A.10071](#), sponsored by Senator Catharine Young (R,C,I-Olean) to ensure that violent felons with mental illness, like St. Hubert, are not allowed back out onto the street without a sufficient treatment plan in place to prevent them from harming themselves or innocent victims.

“The state’s mental health and correctional systems failed when they let a violent convict with mental illness loose on the public without any treatment program or plan for how he would be kept from being a threat to everyone he came across,” said Senator Young.

“I commend Assemblyman Danny O'Donnell on working with me to pass this legislation in the State Senate and Assembly. It is great news for every New Yorker that this important bill has passed both houses and will now go to Governor Cuomo to hopefully be signed into law,” said Senator Young.

The legislation requires corrections officials and community supervisors to develop and implement a post-release mental health plan for inmates with mental illness who are being released. Current requirements for effective monitoring exempt inmates like St. Hubert who

have not been cited for major infractions or any violent conduct for a year prior to release.

Despite New York having some of the strongest outpatient-commitment laws in the country, there are still cracks for people like St. Hubert to slip through.

Inmates who have been recommended for mental health treatment within three years of release, even if they refused the actual services, would be required by this legislation to receive mental health discharge planning and psychiatric monitoring to ensure they are appropriately supervised and not a threat to public safety.

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. Incredibly, 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 infractions for the one year window prior to his release.

Senator Young's bill [S.7818](#) closes the loophole that allowed St. Hubert to roam the streets without any medication or treatment from a community mental health care provider.

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.

These changes made by Senator Young's legislation follow the passage of Kendra's Law, a landmark bill enacted in 1999 to provide the tools corrections officials need to ensure inmates receive outpatient treatment if they have a history of violence or mental illness.

In 2013, the law was updated to allow for longer-lasting court orders and mandatory evaluations for many inmates before leaving prison. Studies have found that the result was fewer rehospitalizations, fewer arrests, more refills of prescribed medications, and more use of outpatient mental health services.

Senator Young continues working to enact additional legislation she sponsors that passed the State Senate this week to further strengthen Kendra's Law. The Kendra's Law Improvement Act, [S.2225D](#), closes several loopholes in existing law, including a provision to require that all inmates with mental illness receive a psychiatric evaluation to see if outpatient treatment requirements in Kendra's Law are applicable.

"In memory of P.J. Avitto and Tanaya Copeland, we need to do all we can to make sure this never happens again. These shocking crimes clearly illustrate that people with untreated serious psychiatric disorders cannot be allowed to fall through the cracks. When they do, the consequences can be deadly," said Senator Young.

The bill will now be sent to the Governor.

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