



Legislation Text

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Res. No. 1598

Resolution calling upon the New York State legislature to pass and the governor to sign S4872, the Post Traumatic Prison Disorder Shawanna W76337 Act, requiring the New York State Department of Corrections and Community Supervision to provide mental health services for incarcerated individuals with post-traumatic prison disorder.

By Council Member Cabrera

Whereas, Post-Traumatic Prison Disorder refers to the psychological harm caused by prolonged incarceration; and

Whereas, Senate bill S4872, known as the “Post Traumatic Prison Disorder Shawanna W76337 Act,” sponsored by Senator Brian Benjamin, seeks to amend the corrections law to require the Department of Corrections and Community Supervision (DOCCS) to develop an individualized "transitional accountability plan" that would provide clinical intervention for post-traumatic prison disorder for incarcerated individuals; and

Whereas, According to the latest Releases and Discharges from Incarceration Report by DOCCS, in 2018, 22,238 incarcerated individuals were released or discharged from DOCCS custody; and

Whereas, Over 13,000 released individuals were identified as first releases or those who were released to the community for the first time on their current sentence, of which 42% were committed from New York City; and

Whereas, Over 1,000 first releases in 2018 had spent between 10 to 20 or more years in prison; and

Whereas, The DOCCS partners with the New York State Office of Mental Health (OMH) to provide special programs along a continuum of care such as crisis intervention, individual short and long term counseling and group counseling for incarcerated individuals with a mental illness; and

Whereas, In 2017, there were over 10,000 incarcerated people being served by OMH in DOCCS, representing more than 20% of the prison population; and

Whereas, Research shows evidence that the negative psychological effects on people in prison can include a dependence on institutional structure and contingencies, hypervigilance, interpersonal distrust, suspicion, alienation, social withdrawal and isolation; and

Whereas, Formerly incarcerated individuals may also experience a diminished sense of self-worth and personal value, an incorporation of exploitative norms of prison culture and post-traumatic stress reactions to the pains of imprisonment; and

Whereas, According to DOCCS 2020 Mental Health Specialized Supervision Standards Directive, it is DOCCS policy to provide a community reintegration program to eligible persons with mental illness on parole, conditional release and post-release supervision; and

Whereas, However, the mental health service requirements of DOCCS Directive do not explicitly cover treatment that recognizes the unique symptoms and needs associated with Post Traumatic Prison Disorder for incarcerated or formerly incarcerated individuals who experience psychological trauma as a result of their incarceration; and

Whereas, S4872 amends the corrections law to require mental health services to be included in the incarcerated individual's transitional accountability plan beginning in the first week of admission to a correctional facility and sets out the minimum specifications for the plan, to include screening and assessment, and clinical intervention for post-traumatic prison disorder; and

Whereas, In the event such services are not available at a facility, S4872 requires that the incarcerated individual will be transferred to a facility that does have such capacity; and

Whereas, S4872 also requires DOCCS to develop a program for all personnel to provide them with basic competencies for mental health trauma and submit an annual report to the governor and legislature on the number of incarcerated individuals screened for mental health and trauma; and

Whereas, S4872 further amends the corrections law to require DOCSS to provide discharge plans for all incarcerated individuals that are tailored to address the person's individual needs upon reentry and reintegration into society upon release, and include completed Medicaid enrollment for those eligible, required medications sufficient to cover the period of transition, written coordination between the department and health care providers including the transfer of health care records, as well as a release plan for those deemed eligible for intervention of post-traumatic prison disorder along with specified further assistance such as, mental health services, therapeutic programming, family counseling, housing information, job placement and money management; and

Whereas, Finally, S4872 requires DOCCS to submit a one-time report on the state of mental health care within the corrections system to the governor and legislature by the end of 2021; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass and the governor to sign S4872, the Post Traumatic Prison Disorder Shawanna W76337 Act, requiring the New York State Department of Corrections and Community Supervision to provide mental health services for incarcerated individuals with post-traumatic prison disorder.

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