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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

***Legal Aid, DRNY, and Paul, Weiss Bring New Claims To Abolish New York's Prison-To-Homeless Shelter Pipeline for People with Serious Mental Illness***

(NEW YORK, NY) – The Legal Aid Society, Disability Rights New York (DRNY), and Paul, Weiss, Rifkind, Wharton & Garrison, LLP brought new [claims](#) in *M.G. v. Cuomo*, litigation brought in January 2019 to challenge New York's systemic failure to provide community-based services to people with serious mental illness upon their release from prison.

The amended complaint is brought in response to the State's practice of releasing New Yorkers with serious mental illness to homeless shelters and psychiatric institutions, rather than safe and appropriate housing. This practice denies people with serious mental illness the services they need to successfully reenter society after their incarceration.

The State's practice further entrenches a revolving door of institutionalization whereby some of the most vulnerable—homeless people with serious mental illness, many of whom are Black and Latinx—cycle between prisons, psychiatric institutions, homeless shelters, and jails for decades without ever being afforded the housing and services they need for successful reentry. Without these services, their worsened health and continued separation from the community is all but guaranteed.

The State is knowingly releasing individuals it has found eligible for mental health housing and supports into shelters or institutions instead. For example, over a two-year period, Plaintiff D.H. was released from prison to a shelter on three separate occasions. Each time, he decompensated and was reincarcerated. In D.H.'s words, the State "keeps playing with my freedom."

With this amended complaint, Legal Aid, DRNY and Paul Weiss petition the Court to require the State to fully develop its social services system to end this revolving door once and for all.

"New York's prison-to-homeless-shelter pipeline functions to perpetuate the marginalization of New Yorkers with serious mental illness by feeding them through a cycle of recidivism," said **Stefen R. Short, Supervising Attorney with the Prisoners' Rights Project at The Legal Aid Society**. "New York State has a legal and moral obligation to help transition these individuals safely back to society. We are calling on state officials to fully develop these critical initiatives as prescribed by law."

"Homeless shelters and institutionalization are not a substitute for community-based care," said **Timothy Clune, Executive Director of DRNY**. "Our clients are at a critical transition in their lives. By failing to operate a system that meets their mental health needs, the State is abandoning them. The results are devastating and preventable."

### **Background on *M.G. v. Cuomo***

*M.G. v. Cuomo* was filed on January 23, 2019 as a challenge to the state's practice of holding people in prison past their release dates because they required community-based mental health services upon release, but these services were not available. The state's practice had developed over several years as a response to the state's own failure to fund and maintain community-based mental health services. After the case was filed, the state moved to dismiss it. As part of its dismissal strategy, the state engaged in a coordinated effort to "moot" the case by releasing the named plaintiffs to highly inappropriate settings—including homeless shelters and psychiatric settings—then issuing a "memorandum" promising to stop the practice of prolonged incarceration. In the process, the state argued that the constitution affords jailers the right to incarcerate people with serious mental illness indefinitely for "safety reasons." The parties await a decision on the motion to dismiss.

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*DRNY is the designated independent non-profit Protection & Advocacy System empowered by Congress to investigate allegations of abuse and neglect and provide legal and non-legal advocacy services to people with disabilities in New York State. The Protection & Advocacy System was created by Congress as a direct result of the horrific conditions that were uncovered in the 1970's at New York's Willowbrook State School.*

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