

August 13, 2025

Contact:

Redmond Haskins
929.441.2384
rhaskins@legal-aid.org

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

***Legal Aid Files Class Action Lawsuit Against State and City Agencies Over
Monthslong Delays in Competency Treatment for Incarcerated New Yorkers
Deemed Unfit for Trial***

***Delays Leave Vulnerable New Yorkers in Need of Care Languishing in
Deplorable Conditions on Rikers Island***

(NEW YORK, NY) — The Legal Aid Society, and Washington Square Legal Services Civil Rights in the Criminal Legal System Clinic filed a [federal class action lawsuit](#) today in the U.S. District Court for the Southern District of New York against the New York State Office of Mental Health (OMH), the New York City Department of Health and Mental Hygiene (DOHMH), and NYC Health + Hospitals. The lawsuit challenges systemic, unlawful delays in providing competency restoration treatment to people found unfit to stand trial and committed to a state hospital under New York’s Criminal Procedure Law § 730. It also challenges the failure to assess whether people can receive competency restoration services in the community, on an outpatient basis, and the failure to provide an adequate outpatient program.

As a result of the delays, hundreds of New Yorkers — many with serious psychiatric disabilities and disproportionately Black and Latinx — are routinely left to languish for months on Rikers Island in horrific conditions while they await the court-ordered mental health treatment necessary to proceed with their cases. These prolonged delays violate their rights under the U.S. Constitution, the Americans with Disabilities Act, and the Rehabilitation Act.

“These individuals are not serving a sentence — they sit in jail, without timely necessary treatment solely because of widespread failures of the State and its city partners,” said **Elena Landriscina, Supervising Attorney with the Special Litigation Unit at The Legal Aid Society**. “Our clients — and hundreds of others like them — are trapped in legal limbo, deteriorating in a jail system utterly unequipped to meet their needs.”

“It is obvious that Rikers Island does not offer the therapeutic environment that people with psychiatric disabilities need, but OMH routinely fails to provide appropriate care in a timely manner,” said **NYU Law Professor Alexis Karteron, Director of the school’s Civil Rights in the Criminal Legal System Clinic, which is serving as co-counsel in the lawsuit**.

The lead plaintiffs are two New York City residents with psychiatric disabilities. Despite criminal court findings that they are unfit to stand trial and require treatment, OMH placed both plaintiffs on months-long waitlists for secure hospital beds without conducting any assessment of whether they could safely receive treatment in a more

integrated, community-based setting. They remain incarcerated at Rikers Island, where they are not receiving treatment and are exposed to harmful conditions that make it harder for them to be restored to fitness.

At any given time, approximately 114 people in New York City are detained on Rikers Island waiting for competency restoration services after being found unfit to stand trial. In 2024, the median wait time was 81 days. Over the past two years, more than 130 people waited longer than 100 days for admission to a hospital, with some waiting over six months. One individual waited 273 days.

These delays also force class members to endure dangerous conditions. Over half of the nearly 60 people who have died in city jails since 2021 had mental health needs, including at least five who were required competency restoration services. Conditions at Rikers Island routinely exacerbate psychiatric symptoms and actively undermine a person's ability to be restored to fitness.

The complaint further details how people with psychiatric disabilities are subjected to harsh punishment for behaviors related to their conditions, including prolonged cell confinement ("deadlock") that restricts access to therapy, exercise, and legal counsel. Without timely treatment, many deteriorate further, compounding the harm they experience in being prevented from proceeding in their criminal cases.

The lawsuit highlights OMH's longstanding failure to plan for or invest in the infrastructure necessary to provide timely, appropriate competency restoration services. Despite tracking increasing delays for years, OMH has not expanded outpatient options, adopted standards to identify those eligible for community-based treatment, or increased access to non-secure psychiatric facilities. The agency instead relies almost exclusively on overcrowded, understaffed secure forensic hospitals, all operating at or near capacity.

Outpatient restoration programs — authorized by law since 2013 — remain woefully underused. Between 2012 and mid-2023, just 0.7 percent of people found unfit to proceed received services in the community. Most were routed to jails and placed on indefinite waitlists for secure beds, without individualized assessment or consideration of more integrated alternatives.

The class action seeks declaratory and injunctive relief on behalf of two proposed classes: the "Delays Class", consisting of individuals committed to OMH custody who are forced to remain in jail while awaiting delayed hospital admission; and the "Integration Class", comprised of individuals denied an individualized determination of whether they can be treated in a more integrated, community-based setting.

The litigation also demands that the State and City immediately end excessive delays in hospital admissions, implement standards and procedures to assess people for outpatient treatment, expand community-based restoration programs, and ensure that individuals receive services in the most integrated setting appropriate to their needs.

###

The Legal Aid Society is a nonprofit organization that exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For nearly 150 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities.

www.legalaidnyc.org