

July 12, 2016

Civil rights group files suit against OC

By: James Nani

A civil rights group has filed a federal complaint against Orange County and its sheriff's department, saying the government failed to plan for the mental health treatment of two immigration detainees once they were released.

The New York Lawyers for the Public Interest filed the lawsuit in U.S. District Court for the Southern District of New York in White Plains on Tuesday morning. The case deals with "discharge planning," the procedures for helping people who need mental health services receive treatment and other services outside of jail.

The lawsuit is filed on behalf of two detainees who were boarded in Orange County's jail and claims jail officials never planned for how the detainees could continue to get their medications or mental help once they were released.

Orange County Undersheriff Ken Jones said the jail followed all procedures in planning for mental health treatment for released immigration detainees.

"Whatever the procedures are for the release ... we would have followed them," Jones said.

Represented in the case is Michelet Charles, a 55-year-old restaurant worker and green card holder who the NYLPI says relied on daily medication to treat bipolar and schizoaffective disorders while he was held in Orange County Jail. He was boarded for about a year beginning in July 2014.

The lawsuit says that after Charles won his immigration hearing in Manhattan on July 22, 2015, his deportation officer from the U.S. Immigrations and Customs Enforcement told him he did not have any medication for him and that he needed to go back up to Orange County Jail to get his medicine.

The next day, NYLPI says Charles traveled back up to the jail from Long Island with his daughter to try to get his psychiatric medication but they denied him too, even though a clinical social worker signed a "discharge summary" that said he would need continuing medical, psychiatric and substance abuse treatment.

Because Charles was detained when he would have reapplied for Medicaid, his benefits were canceled. Charles began experiencing extreme psychosis, and by Aug. 5 NYLPI says he was admitted to an Amityville, Long Island, hospital after exhibiting symptoms of paranoia and aggressive behavior.

The second plaintiff is Carol Small, a 45-year-old Bronx hairdresser and permanent resident diagnosed with paranoid schizophrenia. She was boarded at the Orange County Jail from May 2015 to January 2016, the NYLPI says.

The NYLPI lawsuit says Small received psychological treatment for being paranoid and delusional while in the jail. But after an immigration judge granted her release on Jan. 11 this year, NYLPI says she was let go into below-freezing temperatures with just \$80 in her pocket and no plan for her to continue to get her medication.

Since 2008, the federal government has contracted with Orange County to house detainees while they await deportation hearings, an arrangement that has generated growing revenue for the county as detainee numbers have climbed. With federal payments of about \$132 per day for each boarder, county officials budget between \$6 million and \$7 million in income every year for the program.

The lawsuit names Orange County, its sheriff's department, the county mental health department, and the jail's former and current clinical directors. It doesn't ask for a specific dollar amount in damages.

Jones said the Orange County Jail is one of the "most accredited" jails in the country and dismissed the premise of the suit.

"It's America, people are free to sue," Jones said. "But winning is something different."