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**MORE THAN 85,000 SECRET REPORTS MADE BY DOCTORS TO
NYS POLICE SINCE 2013 WITHOUT NOTICE TO THE PATIENTS**

Webster, NY – Civil rights attorney Paloma A. Capanna today released the statistics on the NYS Mental Hygiene Law §9.46 secret reporting from 2013-2016, showing more than 85,000 reports made from medical providers to the NYS Office of Mental Health and the NYS Department of Criminal Justice Services. The statistics, obtained through the NYS Public Officers Law (“FOIL”), show secret reports have been made in every county of the state, every year, since the “SAFE Act” was launched in 2013.

The secret reports flow from doctors to OMH to DCJS to the NYS Police. “These secret reports effectively criminalize those who seek mental health and medical services,” says Capanna.

Capanna’s client, Nicholas S. Castellano, submitted the FOIL. “To learn that more than 85,000 reports were secretly made by doctors against their patients since 2013 puts Governor Cuomo at the top of the list previously headed up by Joe McCarthy. This secret reporting program puts the NYS Police in every examination room in the state. Make no mistake about it.”

Of those reported to NYS, only a handful of handgun license holders have been notified of the secret reports, during court cases. There is no notification requirement as part of MHL §9.46. The report is not part of patient medical records. And, the state agencies in possession of the reports refuse to release them even to the individual.

Capanna also released the original FOIL, all of which was denied, except for the one data set. “We will continue to fight to obtain all of the requested information,” said Capanna.

Capanna represents clients in federal, state, and local courts, fighting against systematic false reporting of “involuntary commitment” and additional reporting under the “SAFE Act.” Among the decisions currently pending are the records, if any, of more than 2,000 individuals who submitted FOIL requests to the NYS Police for any records it may be harboring against them from medical providers. Capanna previously won the case of

Robinson v. Cuomo for the release of the numbers of firearms registered under the “assault weapons ban,” including an award of attorney’s fees and costs against the state.

“I will not rest until this secret reporting system is shut down and everyone reported into it is notified,” said Capanna. “Democrats all over this state are going to be shocked at what Governor Cuomo has done to their rights to privacy and under HIPAA when they get notified that they, too, are in this secret, criminal database. This has nothing to do with gun rights and everything to do with civil rights.”

ATTACHMENTS:

1. NYS OMH letter to Mr. Castellano (March 1, 2017);
2. FOIL from Mr. Castellano to NYS OMH (October 10, 2016); and,
3. “NYS Secret Reporting” Flow Chart (a/o 12/31/2016).

www.2ndamendmentshow.com

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