



NEW YORK STATE SENATOR

Catharine Young

Senate Passes Bill to Close Brooklyn Child-Stabber Loophole

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Bill Would Amend Kendra's Law to Require Mental Health Evaluations for Inmates with Mental Illness

The New York State Senate passed legislation today, [S.2225D](#), sponsored by Senator Cathy Young (R-I-C, Olean), that would amend “Kendra’s Law” to require all inmates with mental illness be given a psychiatric evaluation to see if Kendra’s Law is appropriate, before they are released. This crucial bill would apply to inmates such as Daniel St. Hubert – a paranoid schizophrenic with a history of violence who refused treatment in prison, was released without counseling or medication, and days later allegedly stabbed two young children, killing one and injuring the other, in Brooklyn.

“This shocking crime against two innocent children clearly demonstrates the tragic results of people with untreated serious psychiatric disorders falling through the cracks and committing horrific acts against innocent people,” Senator Young said. “We must change Kendra’s Law to close the loophole that allowed Daniel St. Hubert to be released into the community without any treatment or medications, and prevent this situation from happening again. This carnage must stop.”

Kendra’s Law directs prison officials to evaluate mentally ill inmates before they’re discharged, and, if necessary, recommend that inmates be ordered into the Assisted Outpatient Treatment (AOT) program once they’re released. However, that current requirement does not apply if the inmate refuses mental health services, as in the case of St. Hubert.

The legislation passed today by the Senate would close that loophole by requiring all inmates diagnosed with mental illness to be evaluated prior to release and placed in AOT.

In addition, the bill would make other changes to improve care for people with serious mental illness, protect the safety of patients and the public by streamlining and improving New York's AOT program, and make Kendra's Law permanent.

In a separate incident, Kevin Kerton, an inmate with a long history of violence and schizophrenia, was released from a correctional facility in New York last fall with a two-week supply of medication. Kerton's caseworker unsuccessfully tried to get him placed in home where compliance with his medication could be monitored, and felt she couldn't require him to undergo inpatient treatment without his consent. He soon stopped taking his medication, quickly destabilized, and stabbed two people just two months after his release. Had Kerton been placed in AOT, his non-compliance and decline could have been identified earlier - before he murdered one man and severely injured another.

"Studies have shown that AOT is an effective tool in stopping people with mental illness from doing harm to themselves and others," Senator Young said. "Untreated mental illness is a major factor in far too many acts of violence, whether someone stabs another person, opens fire on a classroom or shopping mall, shoves someone in front of train or does some other horrible act. This bill is needed to protect innocent victims from violence, and improve the quality of life for people with mental illness."

Kendra's Law was signed by Governor Pataki in 1999 and allows for court-ordered AOT for individuals who voluntarily won't seek help but are a safety threat to themselves or others.

Kendra's Law is named in honor of Kendra Webdale, who grew up in the Chautauqua County Village of Fredonia in Senator Young's district. On January 3, 1999, a man with a long history of schizophrenia stepped onto a busy subway platform in New York City and abruptly pushed Kendra, 32, a journalist and photographer, in front of a train. Witnesses would later testify that Kendra's attacker, 29-year-old Andrew Goldstein, did not flee the scene. Instead, stopping just feet from the subway exit, Goldstein quietly stated, "I'm crazy. I'm psychotic. Take me to the hospital."

A 2009 Duke University study showed that AOT significantly reduces physical harm to others. This study also showed it vastly improves the quality of life for people with severe mental illness by reducing suicide attempts, hospitalizations, incarcerations, homelessness, and alcohol and drug abuse.

Highlights of Senator Young's bill include:

- Making Kendra's Law permanent;

- Requiring an evaluation for AOT, even if the inmate refuses treatment, when mental health patients are released from inpatient treatment or incarceration so that people needing services do not fall through the cracks;
- Requiring follow up on those who move during the AOT period to ensure that people receive their treatment; and
- Requiring the Commissioner of the Office of Mental Health (OMH) to develop an educational pamphlet on the AOT process of petitioning so that family members have information on how to file a report. Oftentimes, loved ones are at a loss and feel helpless about how they can help their mentally ill family member.

The bill was sent to the Assembly.

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