



NEW YORK STATE SENATOR

Catharine Young

Senator Young Again Renews Call for Strengthening Kendra's Law

CATHARINE YOUNG December 19, 2012

| ISSUE: **CRIME, MENTAL HEALTH**

People with severe mental illness are falling through the cracks

ALBANY - Following the wake of the tragic massacre at Sandy Hook Elementary School in Newtown, Connecticut, Senator Catharine Young (R,C,I-Olean) has renewed her call for strengthening New York's Kendra's Law to ensure people with mental illness receive proper treatment, and vowed to push her legislation when session convenes in January.

"Obviously, Adam Lanza was a deeply disturbed person who needed help. There is no other explanation for why he would murder 20 angelic children and the six adults who were trying to protect them," Senator Young said.

"Lanza's mother, Nancy Lanza, reportedly was preparing to commit him to a psychiatric facility because she apparently realized he had decompensated to a dangerous level. If Kendra's Law had been passed in Connecticut, perhaps it would have allowed Ms. Lanza to intervene with her son earlier, before the situation reached a boiling point and he acted out in such a heinous way," she said.

"The current system is flawed, even in New York. Why should we allow people with the most severe psychiatric disturbances who pose a risk to themselves or others to deteriorate before they get help? Why should we wait until they become a safety threat? It doesn't make

sense. Strengthening Kendra's Law would save victims," she said.

"A measure similar to Kendra's Law failed to pass the Connecticut state legislature earlier this year. While we never will know if it would have prevented Lanza from killing his innocent victims in cold blood, studies have shown that Assisted Outpatient Treatment (AOT) is an effective tool in stopping people with mental illness from doing harm to themselves and others," Senator Young said.

Kendra's Law was signed by Governor Pataki in 1999, and allows for court ordered assisted outpatient treatment (AOT) for individuals who voluntarily won't seek help but are a safety threat. The law is designed to prevent serious harm to the mentally ill person or others, but gaps exist in the New York system that must be fixed to make it more effective, according to Senator Young.

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 400-ton N train at the 23rd Street subway station. 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."

Earlier this year, the Connecticut state legislature reportedly rejected a bill similar to Kendra's Law that was proposed to enhance the care and treatment of persons with psychiatric disabilities through AOT.

According to CBS Connecticut, had the AOT bill passed, it would have given the state the right to require treatment for a person with mental illness if there were evidence to believe

the individual could be a danger to himself or the community.

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.

“Untreated mental illness is a major factor in far too many acts of violence, whether someone opens fire on a classroom or shopping mall, shoves a person in front of a subway train, or stabs another individual,” Senator Young said.

“While those suffering from mental illness also are far too frequently the victims themselves of violent crimes, our system’s failure to ensure treatment to those with very serious conditions has led to horrific acts against innocent bystanders,” she said.

“Across the state from New York City to Western New York, there have been hundreds of cases of untreated mental illness with tragic consequences during the past several years. This carnage must stop. It is urgent that action is taken in Albany,” she said.

“Those with mental illnesses who are a danger to themselves or others should receive the help they need before anyone is injured. Over and over, we see the tragic results of people with untreated serious psychiatric disorders falling through the cracks. Not only were there the senseless Sandy Hook murders, but recently another person was thrown in front of a subway train in New York City by an emotionally disturbed man, and a woman from Tonawanda was stabbed to death by a man whose friend said desperately needed mental health treatment but was turned away,” Senator Young said.

“Lanza’s mother reportedly told friends she increasingly was worried about her son’s deteriorating mental state. In instances like these, family members need to be empowered to

help get their loved ones professional treatment,” she said.

Senator Young has pushed to strengthen and make permanent Kendra’s Law, and she said she is hoping a three-way agreement quickly can be forged between the Senate, Assembly and Governor when session reconvenes in January.

“We’ve already lost precious time, as tragic incidents continue to occur,” she said.

Senator Young said that several improvements are needed to make Kendra’s Law more effective.

“Far too many cases still fall through the cracks. My legislation would protect innocent victims from violence, and improve the quality of life for people with mental illness,” Senator Young said.

Highlights of Senator Young’s bill (S.4881-B) include:

- Making Kendra’s Law permanent.
- Changing the period which a court may order AOT from six months to up to one year.
This measure provides judicial flexibility, and studies have indicated that longer periods of treatment, when appropriate, have been shown to be more effective.
- Requiring follow up on those who move during the AOT period to ensure that people receive their treatment.

- Requiring an evaluation for AOT when mental health patients are released from inpatient treatment or incarceration so that people needing services do not fall through the cracks.
- 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.

Senator Young said she has an entire file of cases of seriously mentally ill people harming others because they were not receiving treatment. She cited a few recent examples:

- On December 16, 2012, Jennifer Sacaridis, 34, Tonawanda, was stabbed to death during a domestic dispute in a housing development by boyfriend Edmund M. Serwinowski, 22. The alleged assailant has been charged with second degree murder. According to the *Buffalo News*, “In recent weeks, Serwinowski has been depressed and at times has made suicidal remarks, stating that he was going to kill himself and ‘take other people with him’.” A neighbor told the *Buffalo News* that Serwinowski’s friend and Tonawanda police tried to have him admitted to a mental hospital, but no hospital would take him.
- On December 4, 2012, 58-year-old Ki-Suck Han, Queens, was crushed by a southbound Q train at the Times Square subway station. Naeem Davis, 30, has been charged with second degree murder for pushing Han off the platform in front of the oncoming train. Witnesses reported Davis had been mumbling to himself, and he told police he “stayed

and watched” Han get hit. Davis, who is homeless and had been arrested several times previously in New York City and Philadelphia, told a reporter in a jailhouse interview that voices in his head told him to push Han.

- On April 8, 2012, Easter Sunday, New York City Police Officers William Fair and Philip White were attacked with a knife by Bennedy Abreu, 24, Bronx, after his mother called police when he was acting psychotic. Abreu was off his medications and had barricaded himself in his apartment. Officer Fair sustained a puncture wound to his neck and a slash across his face. Officer White suffered a cut wrist. Abreu’s family said they had been concerned since April 2011, when Mr. Abreu stopped receiving court-ordered treatment for his illness.
- On April 17, 2012 father and New York City Police Officer Eder Llor, 28, miraculously survived a three-and-a-half inch knife being shoved in his brain in East Harlem as he attempted to escort emotionally-disturbed Terrence Hale to the hospital. Hale’s mother had called 911 because her mentally ill son was off his medications and was acting out. Hale, who has schizophrenia, bi-polar disorder and depression, was charged with attempted aggravated murder.