



NEW YORK STATE SENATOR

Dean G. Skelos

Senator Skelos and Senator Young Call for Stronger, Permanent Kendra's Law

DEAN G. SKELOS January 4, 2013

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In Wake of Tragic Deaths, Law Regarding Treatment of Mentally Ill Must Be Improved

Senate Majority Leader Dean G. Skelos and Senator Catharine Young (R-C-I, Olean) today said that enacting a stronger, permanent Kendra's Law must be a priority for the 2013 session, and should be included in any legislative agreement on gun safety.

Their call comes in the wake of the tragic school shootings in Newtown, Connecticut, and two fatal incidents of people being pushed in front of New York City subway trains, allegedly by people with histories of mental illness.

"The Senate is committed to acting on legislation as soon as possible to strengthen Kendra's Law and make it permanent," Senator Skelos said. "We are seeing more and more horrific stories about what can happen when someone with a severe mental illness, who poses a danger to themselves and others, doesn't receive the proper treatment. Not only should this issue be a part of our discussions related to gun safety, but it must be part of any three-way agreement on laws to increase public safety and prevent the kind of senseless violence and death we've seen in the past month."

“The most important discussion that must happen is about treating mental illness,” Senator Young said. “Too many people are not getting the help they need and are falling through the cracks. There are several contributing factors that have emerged following the violence in Newtown and the latest subway-pushing deaths, but the mental health of the perpetrator seems to be an overwhelming problem. Doing more to ensure that mentally ill individuals get the treatment they need is a critically important public safety issue that must be addressed before another tragedy happens.”

Last month, two individuals were pushed to their deaths from subway platforms in New York City. On December 3rd, Naeem Davis pushed Ki-Suck Han in front of a subway train. When he was charged, Davis said he acted after hearing voices in his head that he couldn't control. On December 27th, Erika Menendez, a woman with a long history of mental illness and violent confrontations, pushed Sunando Sen to his death at a subway station in Queens.

Kendra's Law was enacted in 1999 and authorizes 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 and others.

Senator Young has proposed the following changes to improve Kendra's Law to eliminate loopholes that could lead to more people falling through the cracks in the system, resulting in more tragedies:

- Making Kendra's Law permanent. Since its enactment, Kendra's Law has been effective for five-year periods. Without legislative action, the provisions of the law will expire on June 30, 2015.

- 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.
- Ensuring that those who move during the AOT period continue to receive proper treatment.
- Requiring an evaluation when mental health patients are released from inpatient treatment or incarceration to ensure that AOT is provided when necessary so 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.

Kendra's Law is named in honor of Kendra Webdale, of Fredonia, in Senator Young's district. On January 3, 1999, a man with a long history of schizophrenia pushed Kendra, 32, in front of an oncoming subway train. Witnesses said 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." In a news interview just days ago, Andrew Goldstein called for restructuring Kendra's Law to make it stronger to help prevent people with mental illness from harming themselves or others.

News reports have questioned the mental health of Adam Lanza, who killed 20 children in the Sandy Hook school shooting. Reports cite people in the community who believe that Lanza's mother was petitioning to have her son committed to a mental institution, and that the fear of being committed could have been a possible motive for his crime.

Last 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.

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.

Most people who have been diagnosed with a mental illness are not violent and studies show that those with mental illnesses are 11 times more likely to be victims of violence themselves. Kendra's Law would apply to a small segment of this community that poses a threat to themselves and others. Strengthening Kendra's Law could help ensure such individuals receive the medical treatment they need, and prevent tragedies like these in the future.

Throughout the past year there have been incidents of violence across New York State, caused by people with mental illness, including the following:

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 erratically. 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, New York City Police Officer Eder Loor, 28, miraculously survived a three-and-a-half inch knife being shoved in his brain as he attempted to escort emotionally-disturbed Terrence Hale to the hospital. Hale's mother had called 911 because her son, who was diagnosed with a mental illness, was off his medications. Hale, who has schizophrenia, bi-polar disorder and depression, was charged with attempted aggravated murder.

On December 16, 2012, Jennifer Sacaridis, 34, of 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 24th, 2012, 62 year-old William Spengler ambushed firefighters at a house fire in Webster, Monroe County, killing two firemen and injuring two others before killing himself. He had previously served time in prison for killing his grandmother with a hammer. While in prison, Spengler spent time in a corrections unit designated for people with a mental illness. Law enforcement officials are investigating his background for mental illness.

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