



NEW YORK STATE SENATOR

Catharine Young

Young: For The Sake of the Mentally Ill, Public Safety Kendra's Law Must Be Made Permanent

CATHARINE YOUNG June 11, 2015

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Bill would provide greater protection for the public, increase needed medical care for mentally ill

ALBANY – Over and over, the tragic results of people with untreated, serious psychiatric disorders falling through the cracks and inflicting harm on themselves and their communities has been felt across our state and the nation. In light of another near-tragic subway incident, Senator Catharine Young (R,C,I- Olean) and her Senate colleagues this week passed legislation that would strengthen Kendra’s Law, and are now urging the Assembly to act.

“When mentally ill individuals aren’t receiving the care and support they need, the results are all too often tragic for them, and members of the public. The current system is flawed, because it allows people with the most severe psychiatric disturbances, who pose a risk to themselves or others, to deteriorate before they get help. If Kendra’s Law was fully implemented, we would not have to wait until they become a safety threat to get them help,” said Senator Young.

“Not all mentally ill individuals are violent, but untreated mental illness is often a major contributing factor in 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. We have an obligation to protect innocent people from the mindless violence of the severely mentally ill. The bill we have passed in the Senate, to strengthen Kendra's Law, needs to be enacted immediately before another preventable tragedy, or even worse, murder occurs,” Senator Young said.

Last week, Roland Reed, a mentally ill, 32-year-old homeless ex-con was accused of shoving a transgender woman onto the subway tracks and then threatened to kill the cops who found him. Roland threw a bottle at the victim, Danny, then pushed her onto the tracks. She was taken to the hospital where she was treated for facial cuts and bruises. Reed had been arrested 28 times prior to the attack last week.

Kendra's Law was originally signed by Governor Pataki in 1999, and allows for court ordered assisted outpatient treatment (AOT) for individuals who won't voluntarily 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 current system that must be fixed to make it more effective, according to Senator Young.

The law is named in honor of Kendra Webdale, who grew up in the Chautauqua County Village of Fredonia. 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."

Highlights of Senator Young's bill to strengthen Kendra's Law (S.4722) include:

- Making Kendra's Law permanent.
- Requiring follow up on those who move during the AOT period to ensure that they 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.
- Requires counties notify the Office of Mental Health (OMH) when an assisted outpatient is missing and thereby unavailable for an evaluation as to whether he or she continues to meet

AOT criteria.

- Requiring the Commissioner of 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, “For the sake of those with mental illness in our community, and the future of public safety, we must make Kendra’s Law permanent and ensure the needed reforms are incorporated.”

Earlier this week, New York Daily News editorialized in support of Kendra’s Law, saying in part, “Severely mentally ill homeless people desperately need help, for their own safety and that of the public. Exaggerated sensitivities about civil liberties must bend to the inescapable reality of a mounting public safety emergency.”

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

· In May 2015, David Baril, a 30 year old severely mentally ill man, who had reportedly been diagnosed previously with bipolar disorder and schizophrenia, was shot by officers after he committed a series of violent attacks using a hammer on random pedestrians in New York City. Following the incident, a neighbor told reporters Baril was “friendly and bright when on medication” but “despondent when off it.”

· In April 2015, West Spruill, who had previously stayed at the Bronx Boulevard Men’s Shelter at the beginning of the year, attacked Anna Charle, the shelter’s director, forcing her to get into a car and undress while he did the same. Ms. Charle, 36, broke free and, according to police reports, fled naked as Spruill chased after her. Spruill then raised his gun and fatally shot Ms. Charle at close range, in the temple, cheek and chest, killing her.

· Also in April 2015, David Felix, 24, who had a history of mental illness and was a diagnosed paranoid schizophrenic, began fighting with police who were investigating a robbery case. Felix grabbed one of the officer’s police radio and began using it to strike the officers in the head. Felix, who lived in a building that housed people with mental illness, had been arrested multiple times for assault and grand larceny and “spent months, off and on,” at Rikers Island.

· In early January 2015, Ronald Hunter Jr. a 21-year-old homeless and mentally ill man in Buffalo, died as a result of hypothermia after sleeping on the street in two degree weather. Hunter, who suffered from schizophrenia and behavioral disorders, sought help from time-to-time from a mental health services provider, but did not stick with it and his family had reported his mental illness had worsened in recent years.

· In January 2015, Paul Bumbolo of Utica, who according to his defense attorney has been diagnosed with schizophrenia, was taken by police for a mental health evaluation after he severely injured the family dog. When a friend went to check on Bumbolo just a few hours later, he found him with no shirt, covered in blood, a large kitchen knife in hand. Police later discovered three of Bumbolo's family members dead in the family's first-floor apartment.

· In December 2014, Calvin Peters, a 49-year-old suffering from bipolar disorder, attacked a 22-year-old Israeli student Levi Rosenblatt during prayer service. Following a chase, Peters charged the responding officers, who fired a single shot that hit Peters in the stomach. Peters, had an arrest record stretching back to 1982, with 19 arrests in the city and Nassau County.

· On November 16, 2014, Wai Kuen Kwok, an innocent 61-year-old father of two, was, without any warning or provocation, pushed into the path of an oncoming D-Train at the 167th Street subway station in the Bronx. Just days earlier, another man was senselessly attacked on a subway platform by the same suspect. That victim suffered injuries bad enough to require treatment at NYU Medical Center. The suspect in both incidents, Kevin Darden, had been arrested more than 30 previous times, with a string of violent crimes in the days and weeks prior to Wai Kuen Kwok's horrific murder. At the time of his arrest, Darden's mother reported that her son was mentally ill.

· On December 24, 2012, William H. Spengler, deliberately set fire to his West Webster, New York, home and then ambushed first responders, murdering two of the responding firefighters. Spengler had previously spent 17 years in prison for murdering his 92-year-old grandmother with a hammer in 1980. Parole hearing records from his time incarcerated indicate that Spengler spent time during his early years of imprisonment in a prison designated for those with a mental illness. Following his release, Spengler had not received any further mental health treatment.

· 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. According to reports in the Buffalo News at the time, “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’.” Following the incident, a neighbor also 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. Serwinowski is now serving a sentence of 25 years behind bars.

“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 the Assembly,” Senator Young said.