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Blunt New NYLPI Report on “Kendra’s Law” Finds Clear Racial, Ethnic and Geographic Biases in Implementation: Data Show that Mentally Ill People of Color and Those in NYC Many Times More Likely to be Subjected to Court Orders for Mandatory Treatment

Today, New York Lawyers for the Public Interest (NYLPI) released a study of the implementation of “Kendra’s Law,” under which some people who are mentally ill can be forced by court order to accept outpatient treatment.

The report finds - based on publicly available NY State statistics and census information – that:

- Court orders fall much more often on black people and Hispanic people: Black people are **almost five times** as likely as white people to be subjected to orders and Hispanic people **two and a half times** more likely.
- People in New York City are **more than four times** as likely to be subjected to the orders as people living in the rest of NY State.
- Contrary to how it has been promoted, the law is applied mainly to people with multiple hospitalizations, and 85% have no history of hurting others.
- Court orders take away great areas of people’s freedom to select their care and control many other aspects of their lives – including often how they spend their days and even where they live.
- The racial, ethnic and geographic disparities cannot be explained away by differing rates of serious mental illness among different groups or in different areas, or by the distribution of people of different groups across the state.
- No right to outpatient treatment exists in New York State except for those subjected to Kendra’s Law compulsory orders. A perverse result – orders are sometimes sought **simply to get people the scarce services they need.**

“Kendra’s Law” has been on the books since 1999 and will sunset on June 30. The Assembly Committee on Mental Health, Mental Retardation and Developmental Disabilities will hold a hearing on whether to continue the law, abandon it or modify it on Friday, April 8th in NYC. The law was introduced and hurriedly passed following the avalanche of publicity that ensued when Andrew Goldstein, a man with schizophrenia who was unable to secure the mental health services he needed to stay well, pushed Kendra Webdale into the path of an oncoming subway train, killing her.

The report’s principal author, John A. Gresham, NYLPI’s Senior Litigation Counsel, said, “When we did the math, we were stunned to find that black people are almost five times as likely as white people

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to be subjected to a court order - usually younger black males - and that Hispanic people are two and a half times as likely. These numbers take into account the mix of people in our state, and simply can’t be explained away. We recommend continuing some aspects of the law which give priority for scarce mental health services to people with the greatest need, but the abolition of the compulsion aspects altogether, especially in light of its severely biased implementation,” he added.

Other mental health advocates were also angered by the report’s findings.

David Gonzalez of the Mental Health Empowerment Project declared, “What concerns me most about this law is the blatant disparity in the racial and ethnic makeup of the people being court-mandated. 31% of the people in New York State are identified as African American and Hispanic. According to the State’s Office of Mental Health, 63% of people being court-mandated are black and Hispanic.”

Harvey Rosenthal of the New York Association of Psychiatric Rehabilitation Services observed, “Outside the greater New York City area and Buffalo, most counties have been more successful in engaging New Yorkers with severe psychiatric disabilities without the use of forced treatment, by calling into play the enhanced resources and responsibilities also contained in the law.”

Beth Haroules of the New York Civil Liberties Union said, “We are very troubled by New York State's failure to explain these disparities, except to say that the pool of people receiving court-ordered treatment is ‘diverse.’ ”

The report recommends that:

- Based on the obviously biased outcomes under the law, the “compulsion” aspect of Kendra’s Law must be abolished.
- NY State should continue to prioritize high-need individuals for scarce mental health services and should continue to mandate that public officials line up those services.

“In the end, the State must commit to providing the mental health services that people need. This means a commitment to expand – not to cut – the budget for mental health,” added Gresham.

The full report is available online at: http://www.nylpi.org/pub_area_2.html or www.lcgcommunications.com. Copies can also be obtained by fax or by “snail mail” - contact: Linda Gross, LCG Communications – 718.853.5568.

FYI: contacts for those other than NYLPI quoted in this release: David Gonzalez, Mental Health Empowerment Project: 518.434.2587 or cell 518.369.5629; Harvey Rosenthal, New York Association of Psychiatric Rehabilitation Services: 518.436.0008 or cell 518.527.0564; Donna Lieberman or Sheila Stainback, New York Civil Liberties Union: 212.344.3005