



NEW YORK STATE SENATOR

Catharine Young

Senator Young Urges NYS Assembly to Strengthen and Make Permanent Kendra's Law

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| ISSUE: [MENTAL ILLNESS](#), [KENDRA'S LAW](#), [PUBLIC SAFETY](#)

KEEPING NEW YORKERS SAFE:

SENATE TAKES ACTION ON
KENDRA'S LAW



Albany, New York – Senator Catharine Young (R,C,I, 57th District) today urged her Democratic colleagues in the Assembly to pass Senate Bill 516B that would strengthen and make permanent Kendra's Law. The measure, which passed the State Senate today, would bolster the 1999 landmark law with provisions that enhance public safety and improve the quality and effectiveness of care provided to the mentally ill.

“Untreated serious mental illness is one of the greatest social problems of our time. It is devastating to individuals who are affected, greatly increasing their likelihood of unemployment, homelessness, incarceration and suicide. And it is devastating to the public, which bears the economic costs of this problem as well as the heightened safety risks that can result from people with untreated, severe mental disorders walking the streets,” said Senator Young.

“Mass shootings have sparked a nationwide conversation about how to identify and treat mentally ill individuals before, not after, they commit violence. While most people with mental illness are not dangerous, those with the most serious forms of schizophrenia and bipolar disorder are three to five times more likely to commit violent acts.”

“Here in New York, Kendra’s Law has been an important and effective tool for getting treatment for these individuals in a way that is less restrictive, less costly and more humane than the alternatives of inpatient commitment or incarceration. We need to enact this measure to make the law permanent while strengthening it by closing loopholes that are still allowing too many people to fall through the cracks.”

Overview of Kendra’s Law

Kendra’s Law was first enacted in 1999 and allows courts to issue assisted outpatient treatment (AOT) orders for individuals who will not voluntarily seek help for their illness, but are a safety threat to themselves or the public. The law, designed to prevent serious harm to the mentally ill person or others, was extended through 2022 at the end of the 2017 session, after the Assembly leadership failed to bring Senate Bill 516A to the floor for a vote.

The law is named in honor of Kendra Webdale, who grew up in the Village of Fredonia. On January 3, 1999, a man with a long history of schizophrenia stepped onto the 23rd Street subway station platform in New York City and abruptly pushed Kendra, 32, a journalist and

photographer, into the path of an oncoming 400-ton N train. Witnesses would later testify that Kendra's attacker, 29-year-old Andrew Goldstein, did not flee the scene. Instead, he stopped just a few feet from the subway exit, stating, "I'm crazy. I'm psychotic. Take me to the hospital."

Research on Effectiveness

Since Kendra's Law was enacted, studies have found that patients given mandatory outpatient treatment and who were more violent to begin with were four times less likely than members of a control group to perpetrate serious violence after undergoing AOT. According to the most recent data, the program has also achieved the following results among AOT individuals:

- 60 percent reduction in their rate of hospitalization;
- 71 percent reduction in their rate of incarceration;
- 68 percent reduction in homelessness;
- improvements in nearly all of more than 40 separate outcomes tracked by NYS's Office of Mental Health;
- 40 -50 percent reduction in treatment costs due to fewer hospitalizations.

The importance of the law has been widely cited, with the Times Union editorializing in 2017, that the law's "strong record of improving the lives of the mentally ill should motivate Albany to not only reauthorize this program, but make it permanent," and the New York Post stating that, "it clearly works, with no threat to civil liberties as lawmakers once feared...the experiment has proved an overwhelming success for public health and public safety."

Senate Bill 516B – Making Kendra’s Law Permanent and Stronger

Gaps exist in the current system that must be fixed to make it more effective. The legislation passed by the Senate would not only make Kendra’s Law permanent, but includes several provisions to enhance the current system of AOT including:

- 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 follow-up on those who move during the AOT period to ensure that they receive their treatment;
- requiring counties to 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, and

the addition of physicians, nurse practitioners and homeless shelter directors to the list of individuals who may institute an AOT petition.

Senator Young noted that on January 3, 2018 – 19 years ago to the day that Kendra Webdale was pushed to her death – another New Yorker lost his life in a similar situation. Jacinto Suarez, a 65-year old father of 10 and grandfather of 13 was pushed off a Brooklyn subway platform and onto the tracks by Edward Cordero, an 18-year-old diagnosed schizophrenic who had stopped taking his medication. Although he was pulled off the tracks, Mr. Suarez died on the platform from a heart attack as medics were attending to him. The perpetrator’s family reported that he had regularly terrorized them and had stopped taking medicine for bipolar disorder and schizophrenia.

“The latest tragic subway incident on the 19th anniversary of Kendra Webdale’s murder underscores the importance of strengthening this law. We’ve made progress but need to close gaps that continue to allow sick people to go untreated, a situation that harms them and that puts everyone around them at risk. This bill needs to be enacted immediately before another preventable tragedy occurs,” said Senator Young.

The bill has been sent to the Assembly.