



## **Mayor Adams' Plan Will Not Help New Yorkers With Mental Disabilities**

We have grave concerns about New York City Mayor Eric Adams' plan to increase the involuntary hospitalization of New Yorkers with mental disabilities. Mayor Adams' plan to sweep people with disabilities off New York's streets will not make the city safer, and will not meet the needs of its residents with mental health conditions.

On Tuesday, November 29<sup>th</sup>, Mayor Adams announced a new directive to New York's police officers, EMTs, and street outreach workers to transport homeless individuals to psychiatric hospitals involuntarily when it appears that they cannot "meet their basic needs."<sup>1</sup> The Mayor provided as examples individuals who are "mumbling," "shadow boxing," or merely standing on the street for too long.<sup>2</sup>

For many reasons, the Mayor's plan will not have its intended effect. Asking police officers, even those who may consult by phone or video call with mental health professionals, to apply a "basic needs" standard to sweep homeless people off the street all but ensures that people will be sent to hospitals who don't need to be there, and who are not a danger to themselves or others.

It doesn't have to be this way. Research indicates that high quality engagement of homeless people with mental health conditions, such as that provided through New York's Street Homeless Advocacy Project,<sup>3</sup> which sends people with lived experience with homelessness back to the streets to help others, helps individuals see the value of and agree to participate in supportive services.<sup>4</sup> Safe, stable, and affordable housing, provided with voluntary supports, has been shown to help homeless New Yorkers and others stabilize and avoid hospitalization

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<sup>1</sup> City of New York, Transcript: Mayor Eric Adams Delivers Address on Mental Health Crisis in New York City and Holds Q-and-A (Nov. 29, 2022) [hereinafter Mayor Adams Transcript], <https://www.nyc.gov/office-of-the-mayor/news/871-22/transcript-mayor-eric-adams-delivers-address-mental-health-crisis-new-york-city-holds>.

<sup>2</sup> *Id.*

<sup>3</sup> See The Forum, City Launches Homeless Advocacy Project (Jul. 21, 2022), <http://theforumnewsgroup.com/2022/07/21/city-launches-homeless-advocacy-project/>.

<sup>4</sup> See, e.g., Center for Court Innovation, The Myth of Legal Leverage? ("Studies of therapeutic intervention strongly suggest that the quality of the human interaction outweighs the importance of any particular protocol or approach....," "factors like goal consensus, empathy, alliance, and positive regard are significantly greater than, say, model fidelity," and "a robust therapeutic relationship is less a matter of dosage and more a matter of engagement."), [https://www.courtinnovation.org/sites/default/files/media/documents/2020-04/report\\_the\\_myth\\_of\\_legal\\_leverage\\_04232020.pdf](https://www.courtinnovation.org/sites/default/files/media/documents/2020-04/report_the_myth_of_legal_leverage_04232020.pdf).

and incarceration.<sup>5</sup> And longer-term services, such as assertive community treatment (ACT), supported employment, and peer support services—delivered not in the hospital, but in the person’s own home and community—have been shown to break the cycle of institutionalization.<sup>6</sup>

Mayor Adams knows better than this. When it comes to mental health treatment, there is no evidence that court-ordered involuntary treatment in hospitals is more effective than quality community-based treatment. Although involuntary treatment has produced improved outcomes in some places, these outcomes appear to result from the fact that there was literally nowhere else for the person to go to receive services – in other words, involuntary inpatient treatment was the only option.

Further, studies do indicate that people who are involuntarily committed are more likely to attempt suicide than those who voluntarily accept treatment,<sup>7</sup> and involuntary commitment can make young people (a significant proportion of the homeless population) less likely to disclose suicidal feelings.<sup>8</sup> And many of the individuals Mayor Adams has identified have already been hospitalized one or more times, and prefer staying in the street to being subjected to squalid and dangerous conditions in hospitals and homeless shelters.

In New York and elsewhere, Black and brown people with mental health conditions are overrepresented in the homeless population,<sup>9</sup> and so are more likely to be involuntarily hospitalized under the Mayor’s plan—or may be subjected to traumatizing and dangerous interactions with law enforcement that have resulted in serious harm, including death.<sup>10</sup>

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<sup>5</sup> S. Tsemberis & R.F. Eisenberg, Pathways to Housing: Supported Housing for Street-dwelling Homeless Individuals With Psychiatric Disabilities, *Psychiatr. Serv.* 2000 Apr; 51(4):487-93, doi: 10.1176/appi.ps.51.4.487. PMID: 10737824.

<sup>6</sup> Bazelon Center for Mental Health Law, *Diversion to What? Evidence-Based Mental Health Services That Prevent Needless Incarceration* (2020), [http://www.bazelon.org/wp-content/uploads/2019/09/Bazelon-Diversion-to-What-Essential-Services-Publication\\_September-2019.pdf](http://www.bazelon.org/wp-content/uploads/2019/09/Bazelon-Diversion-to-What-Essential-Services-Publication_September-2019.pdf).

<sup>7</sup> J.T. Jordan & D.E. McNiel, Perceived Coercion During Admission Into Psychiatric Hospitalization Increases Risk of Suicide Attempts After Discharge, *Suicide & Life-Threatening Behavior*, Vol. 50, Iss. 1, p. 180-188 (Jun 4, 2019), <https://onlinelibrary.wiley.com/doi/full/10.1111/sltb.12560>.

<sup>8</sup> Nev Jones et al., Investigating the Impact of Involuntary Psychiatric Hospitalization on Youth and Young Adult Trust and Help-Seeking in Pathways to Care, *Soc. Psychiatry & Psy. Epidemiology*, 56, 2017-2027 (2021), <https://doi.org/10.1007/s00127-021-02048-2>.

<sup>9</sup> See, e.g., Stacy M. Brown, Blacks Hit Hardest as NYC’s Homeless Population Grows Amid Mental Health Crisis (Mar. 23, 2022), *The Washington Informer* (citing Coalition for the Homeless report that 57% of heads of households in NYC shelters are Black and 32% are Hispanic/Latinx), <https://www.washingtoninformer.com/blacks-hit-hardest-as-nycs-homeless-population-grows-amid-mental-health-crisis/>.

<sup>10</sup> See, e.g., See, e.g., Jaclyn Jeffrey-Wilensky, NYPD Already Gets Hundreds of Annual Abuse Complaints For Forcing People to Hospitals (Dec. 1, 2022), *Gothamist*, <https://gothamist.com/news/nypd-already-gets-hundreds-of-annual-abuse-complaints-for-forcing-people-to-hospitals>; see also Legal Defense Fund & Bazelon Center for Mental Health Law, *Advancing An Alternative to Police: Community-Based Services for Black People with Mental Illness* (July 2022), <https://d252ac.a2cdn1.secureserver.net/wp-content/uploads/2022/07/2022.07.06-LDF-Bazelon-Brief-re-Alternative-to-Policing-Black-People-with-Mental-Illness.pdf>.

Rather than invest appropriately in a public health approach that would actually help homeless New Yorkers with mental health conditions stabilize and maintain their housing and employment, the city has done the opposite—and is moving in the wrong direction. A report issued by New York City’s Public Advocate in November 2022 indicated that there were only four community- and peer-led Respite Care Centers in the five boroughs of the city, down from eight such centers in 2019.<sup>11</sup> There are only 19 behavioral health mobile crisis teams (MCTs), which can respond to calls for help instead of the police, serving the entire city in 2022, down from 24 teams in 2019.<sup>12</sup> “B-HEARD” teams, operating in a few Manhattan neighborhoods as an alternative first responder to the NYPD when 911 is called, only responded to 16 percent of 911 calls in those neighborhoods, with a response time that is not competitive with that of the police.<sup>13</sup> And the report found that the city is “lagging behind in providing supportive housing, with an often-delayed application process,”<sup>14</sup> and “lagging in the inclusion of peers with lived-in experiences into the city’s mental health programs.”<sup>15</sup>

It is ironic, and sad, that Mayor Adams chose GivingTuesday, a day that encourages people to do good, born and incubated at New York City’s historic 92<sup>nd</sup> Street Y,<sup>16</sup> to announce a policy that is so ungenerous to people with mental health conditions. The Mayor’s policy and rhetoric will stigmatize these New Yorkers—who are more likely to be the victims of violence than the perpetrators of it<sup>17</sup>—and subject them to inappropriate and potentially dangerous interactions with the NYPD.

It is also sad that the Mayor announced his involuntary commitment directive only days after the passing of Lois Curtis, the plaintiff in the historic Supreme Court decision *Olmstead v. L.C.*,<sup>18</sup> which held that the unnecessary institutionalization of people with disabilities is discrimination under the Americans with Disabilities Act.<sup>19</sup> Like Lois Curtis, virtually all homeless and housing insecure New Yorkers with disabilities do not need to be hospitalized, but can be served in their

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<sup>11</sup> Office of the Public Advocate, Improving New York City’s Response to Individuals in Mental Health Crisis 2022 Update 3 (Nov. 2022), [https://advocate.nyc.gov/static/assets/Mental\\_Health\\_Updates\\_2022c.pdf](https://advocate.nyc.gov/static/assets/Mental_Health_Updates_2022c.pdf).

<sup>12</sup> *Id.* at 5.

<sup>13</sup> *Id.* at 7-8.

<sup>14</sup> *Id.* at 5.

<sup>15</sup> *Id.* at 10.

<sup>16</sup> GivingTuesday, About GivingTuesday (last visited Dec. 1, 2022), <https://www.givingtuesday.org/about/>.

<sup>17</sup> Johnathan M. Metzger, Mental Illness, Mass Shootings, and the Politics of American Firearms, 105(2) *Am. J. Pub. Health* 240-249 (2015) available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4318286>; American Psychiatric Association, Position Statement on Firearm Access, Acts of Violence and the Relationship to Mental Illness and Mental Health Services (2014), <https://www.psychiatry.org/File%20Library/About-APA/Organization-Documents-Policies/Position-2014-Firearm-Access.pdf>; American Psychological Association, Resolution on Firearm Violence Research and Prevention (2014), <http://www.apa.org/about/policy/firearms.aspx>; The Atlantic, Untangling Gun Violence from Mental Illness (2016) <https://www.theatlantic.com/health/archive/2016/06/untangling-gun-violence-from-mental-illness/485906/>.

<sup>18</sup> See, e.g., Sam Roberts, Lois Curtis, Whose Lawsuit Secured Disability Rights, Dies at 55 (Nov. 10, 2022), *N.Y. Times*, <https://www.nytimes.com/2022/11/10/us/lois-curtis-dead.html>.

<sup>19</sup> *Olmstead v. L.C.*, 527 U.S. 581 (1999).

own homes and communities if they are engaged in appropriate and voluntary services and supports.

We join the disability community in New York in calling on Mayor Adams to reject an expansion of involuntary commitment, and instead to develop a comprehensive plan to provide homeless New Yorkers with the housing and voluntary services they want and need.<sup>20</sup>

This should be New York City's "moral obligation,"<sup>21</sup> Mayor Adams, not more hospitalization, institutionalization, and incarceration.

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<sup>20</sup> See, e.g., Disability Advocates Decry Mayor's Plan to Increase Coercive Treatment for Individuals with Mental Illnesses, Call for Comprehensive Program of Voluntary Engagement, Housing, and Community Supports (Nov. 29, 2022), <file:///C:/Users/Guest1/Downloads/Statement%20re%20Mayor's%20MH%20Plan%20Final.pdf>.

<sup>21</sup> Mayor Adams Transcript, *supra* note 1.