

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

The undersigned individuals and organizations oppose New York City Mayor Eric Adams' plans to increase the involuntary hospitalization of New Yorkers with disabilities—most of whom are Black and brown people with disabilities, many of whom may be homeless or experiencing housing instability.

**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 disabilities.**

It doesn't have to be this way. Communities across the country are employing proven methods to meet the needs of individuals experiencing homelessness who cycle between the streets, the emergency room, and the jail. Research indicates that effective engagement of people with mental health conditions in public spaces, including by people with lived experience with homelessness working as peer specialists, helps individuals see the value and agree to participate in supportive services.<sup>1</sup> Safe, stable, and affordable housing, provided with voluntary supports, has been shown to help these individuals stabilize and avoid hospitalization and incarceration.<sup>2</sup> And voluntary community-based services, such as assertive community treatment (ACT), supported employment, crisis services, 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>3</sup>

Mayor Adams should know better than this. 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 treatment was the only option.

Further, studies indicate that people who are involuntarily committed are more likely to attempt suicide than those who voluntarily accept treatment,<sup>4</sup> and involuntary commitment can make young people less likely to disclose suicidal feelings.<sup>5</sup> And many of the individuals Mayor Adams has identified—who are more likely to be the victims of violence than the perpetrators of it<sup>6</sup>—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 shelters.

In New York and elsewhere, Black and brown people with disabilities are overrepresented in the population of individuals experiencing homelessness,<sup>7</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>8</sup>

It is unfortunate 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>9</sup> which held that the unnecessary institutionalization of people with disabilities is discrimination under the Americans with Disabilities Act.<sup>10</sup> Like Lois Curtis, virtually all people with disabilities

do not need to be institutionalized, but can be served in their own homes and communities if they are engaged in appropriate and voluntary services and supports.

We regret that Mayor Adams' directive follows federal action this year that inappropriately links people with mental disabilities to gun safety efforts,<sup>11</sup> and action in other states that expands the involuntary commitment of people with mental disabilities in a misguided effort to sweep the streets.<sup>12</sup>

We join advocates in New York in calling on the Mayor and their Governor to reject an expansion of involuntary commitment, and instead to develop a comprehensive plan to provide homeless New Yorkers with disabilities the housing and voluntary services they want and need.<sup>13</sup>

***Organizations:***

504 Democratic Club

Access to Independence of Cortland County, Inc.

Advancement Project

Advocacy Unlimited, Inc.

AIM Independent Living Center

Alabama Disabilities Advocacy Program

Alpha Sigma Omega Latina Sorority, Inc.

American Association of People with Disabilities

The Arc of the United States

ARISE

Autism National Committee (AutCom)

Autistic People of Color Fund

Autistic Self Advocacy Network

Autistic Women & Nonbinary Network

Bazelon Center for Mental Health Law

Blue Ridge Independent Living Center

BRIDGES

Brooklyn Center for Independence of the Disabled

Bronx Independent Living Services

Cardinal Points Family Therapy & Education, PLLC

Catskill Center for Independence

Center for Alternative Sentencing & Employment Services (CASES)

Center for Disability Rights

Center for Independence of the Disabled, New York

Center for Public Representation

Children's Mental Health Network

The Coelho Center for Disability Law, Policy, and Innovation

Collaborative Support Programs of New Jersey

CommunicationFIRST

Community Access

Connecticut Legal Rights Project, Inc.

Depression and Bipolar Support Alliance

Directions in Independent Living

Disability Law Center of Utah

Disability Rights Advocates

Disability Rights California

Disability Rights Education & Defense Fund

Disability Rights North Carolinae  
DynamicChanges LLC  
Finger Lakes Independence Center  
Gateway Hudson Valley  
Gift of Voice  
Harlem Independent Living Center  
Harlem United  
Independent Living Center of the Hudson Valley, Inc.  
Independent Living, Inc.  
Institute for the Development of Human Arts  
Justice in Aging  
Keep The Promise Coalition  
Kiva Centers  
LatinoJustice PRLDEF  
Legal Action Center  
Long Island Center for Independent Living, Inc.  
Medicaid Matters New York  
Mental Health Empowerment Project  
Mobilization for Justice, Inc.  
National Association for Rights Protection and Advocacy  
National Center for Law and Economic Justice  
National Disability Rights Network

National Disabled Legal Professionals Association

National Down Syndrome Congress

National Health Care for the Homeless Council

National Health Law Program

National Low Income Housing Coalition

National Mental Health Consumers' Self-Help Clearinghouse

New York Association of Psychiatric Rehabilitation Services

NY Association on Independent Living

NYS Care Management Coalition

New York State Coalition Against Sexual Assault

NRCIL

PATH CT

Prison Policy Initiative

Promise Resource Network

Rainbow Heights Club

Regional Center for Independent Living

Resource Center for Accessible Living

Resource Center for Independent Living

Restoration Society, Inc.

Seat at the Table campaign

Southern Tier Independence Center

Staten Island Center for Independent Living

SunGrove Metaphysical

Suffolk Independent Living Organization

Supportive Housing Network of New York, Inc.

Taconic Resources for Independence, Inc.

The Tanya Project: A Medical-Legal Partnership for Women with Cancer

UIC JMLS Clinic

University of Iowa Law and Policy in Action Clinic

Vibrant Emotional Health

Westchester Disabled on the Move, Inc.

Westchester Independent Living Center, Inc.

***Individuals:***

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Paul Acker

Wallis Adams

Sophia Alaniz

Kristen Alexander

Nancy Alisberg

Angie Allen

Lowell Arye

Sydney Baker

James Baptiste

Leily Behbehani

Amanda Benjamin

Helena Berger

David Billingham

Margot G. Birke

Thalia Blankson

Carl Blumenthal

Henry Blumfarb

Richard Boldt

Elise Bradley

Rashke Bradley

Jane Brill

Juliana Broad

Deborah Brooke

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<sup>1</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).

<sup>2</sup> See, e.g., 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>3</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>4</sup> J.T. Jordan & D.E. McNeil, 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>5</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>6</sup> See, e.g., 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>7</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/>; cf. First Amended Complaint at ¶ 2, *Disability Rights California v. County of Alameda*, 2021 WL 212900 (N.D. Cal. Feb. 22, 2021) (No. 5:20-cv-05256-CRB) (“During a recent two-year period, over 2,300 people were detained at the County’s psychiatric facilities more than three times, the majority of whom were Black.”), [https://www.disabilityrightsca.org/system/files/file-attachments/Amended\\_Complaint.pdf](https://www.disabilityrightsca.org/system/files/file-attachments/Amended_Complaint.pdf).

<sup>8</sup> 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>.

<sup>9</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>10</sup> *Olmstead v. L.C.*, 527 U.S. 581 (1999).

<sup>11</sup> See Bazelon Center for Mental Health Law, Statement on the Bipartisan Safer Communities Act (Jun. 24, 2022) (“The Act will contribute to fear and stigma of these Americans and, we fear, makes their institutionalization and criminalization more likely.”), [http://www.bazelon.org/wp-content/uploads/2022/06/draft-statement-on-gun-bill-06-24-22-vers-2\\_MP\\_with-footnotes.docx.pdf](http://www.bazelon.org/wp-content/uploads/2022/06/draft-statement-on-gun-bill-06-24-22-vers-2_MP_with-footnotes.docx.pdf).

<sup>12</sup> See Disability Rights California & Over 50 Disability, Civil Rights, Racial Justice and Housing Advocacy Organizations Urge Governor Newsom to Veto SB 1338 (Sep. 1, 2022) (“As well intentioned as CARE

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Court may be, it will inevitably harm and stigmatize people with mental health disabilities, especially people within communities of color and members of the LGBTQIA+ community.”), <https://www.disabilityrightsca.org/latest-news/disability-rights-california-over-50-disability-civil-rights-racial-justice-and-housing>.

<sup>13</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) (“[W]e must triple our investments in the new approaches that are in the process of being rolled out by the City and State, most notably specialized “housing first” programs designed to house and support people in the greatest need . . . [and] a continuum of proven voluntary services to provide sustained follow-up and support”), <file:///C:/Users/Guest1/Downloads/Statement%20re%20Mayor's%20MH%20Plan%20Final.pdf>.