Adams Gets Pushback On Rescue Plan

By Allison Howe

A district judge in Manhattan recently ruled not to halt New York City Mayor Eric Adams’ extensive plan to combat mental illness, stating that he wants more time to explore the situation and that he saw no evidence that irreversible harm would come to city residents until he makes his final ruling in the coming weeks.

Adams’ plan seeks to address the proliferation of the mentally ill being untreated and unsheltered, by hospitalizing them when deemed necessary. But this strategy was swiftly met by intense pushback from many state agencies, as well as disability and civil rights advocates. New York Lawyers for the Public Interest (NYLPI) and a coalition of other groups filed an emergency request in federal court to stop the mayor's plan of forcing people who are mentally ill into treatment.

“Mental health crises are not matters for law enforcement. They are healthcare issues that must be appropriately handled by health professionals, rather than police, whose involvement routinely causes more trauma,” said Marinda van Dalen, senior staff attorney at NYLPI.

Coalitions Rallied

The coalition rallied at City Hall soon after Adams announced his plan. In addition, NYLPI published a lengthy statement on its website, detailing various reasons for their opposition, including the claim that the mayor’s plan is unconstitutional.

However, a statement from Adams’ office said, “The directive seeks to dispel a persistent myth that the legal standard for involuntary intervention requires an overt act demonstrating that the person is violent, suicidal or engaging in outrageously dangerous behavior likely to result in imminent harm.”

“In accordance with state law and court precedent, clarifies that outreach workers, city-operated hospitals and first responders have the legal authority to provide care to New Yorkers when severe mental illness prevents them from meeting their own basic human needs to the extent that they are a danger to themselves,” said Adams.

During Adams’ address, he gave an immediate directive to city agencies and contractors involved in evaluating and providing care to individuals in psychiatric crisis. He also laid out an 11-point legislative agenda that aims to fix gaps in the state’s Mental Hygiene Law and will be among his top priorities in Albany during the upcoming legislative session.

Clinical Response Teams

He also announced new clinical response teams deployed in subways to respond to those with serious mental health issues, as well as enhanced training in partnership with the state for all first responders.

In addition, the city is developing a tele-consult telephone line to provide police officers in the field with direct access to clinicians. This new line will provide clinical advice to police officers when dealing with individuals in distress.

Many other measures will be taken, such as mandating that hospital clinicians consider a range of factors when assessing a patient’s need for involuntary admission or retention, including known treatment history and current ability to adhere to outpatient treatment.

Additionally, hospitals will be required to screen all psychiatric patients and collaborate with community providers prior to discharge for their need to receive assisted outpatient treatment.

Adams said that to plan for the cold winter months, when homelessness typically increases on subways, his administration has begun deploying subway clinical co-response teams made up of joint patrols of the New York City Department of Health and Mental Hygiene (DOHMH) and the New York City Police Department (NYPD). They are patrolling high-traffic subway stations and will respond with a clinician-led approach to those appearing to have serious mental health issues.

“You can’t effectively have public safety without adequate mental health care. The two go hand-in-hand,” said Deputy Mayor for Public Safety Philip Banks. “For too long, public safety personnel’s hands have been tied in getting those in need [of] care, before they hurt themselves or others.”

“With today’s announcement, Adams has reaffirmed his commitment to meeting the concurrent crises of untreated mental illness and unsheltered homelessness head on,” said New York City Department of Social Services (DSS) Commissioner Gary Jenkins.

In February 2022, Adams rolled out his “Subway Safety Plan” to connect people experiencing homelessness on the subway to shelter. Since that launch, the city has effectively connected more than 3,000 people experiencing homelessness, some of whom are also in mental health crisis, to shelters and safe havens.

Clubhouse Program

Adams has also expanded the city’s clubhouse program, a one-stop treatment facility that helps people with severe mental illnesses through their recovery by providing peer support, access to services, employment and educational opportunities, socialization, and recreation in a safe and structured setting.

MHANYS’ Concerns

Mental Health Association in New York State (MHANYS) is one of the agencies that has concerns about the mayor’s plan, prompting them to write a detailed letter to Gov. Kathy Hochul and Adams. Some of their recommendations include fully funding the state’s Cost of Living Adjustment (COLA), increased wages for support staff, better coordination of care just before release from the hospital or prison, more psychiatric hospital beds,

“Law Enforcement should not be the lead agency in determining an individual’s need for hospitalization. The notion of blaming mental health issues as the major factor of homelessness and violence is a false equivalency,” MHANYS wrote. “It does not take into account that there are people who are violent without a mental health concern or that they have significant mitigating factors involved like history of violence, family history of trauma, domestic violence and many other factors. Instead of using this as an opportunity to put inhave mental health challenges in the back wards of hospitals, let’s have a common-sense approach that does not criminalize mental health while still ensuring people feel safe in their communities.”

According to New York Association of Psychiatric Rehabilitation Services (NYAPRS), 298 organizations and individuals from across the country issued a joint statement opposing Adams’ plan. They claim that there is a lack of evidence that involuntary court-ordered treatment is any more effective at helping people with mental disabilities live successfully in the community than engagement in the voluntary services.

“We firmly reject the mayor’s proposed expansion of coercive approaches that will actually harm people experiencing mental health crises by increasing the use of traumatizing, involuntary treatment,” said Harvey Rosenthal, executive director of New York Association of Psychiatric Rehabilitation Services (NYAPRS). “We cannot hospitalize ourselves out of the problems faced by the mentally ill, nor can we force more people into the same services that have already repeatedly failed them.”

“Why is it that when someone has a medical issue an ambulance comes to help, but when you have a mental health issue, the police get involved?” asked Jalyn Radziminski of the Bazelon Center of Mental Health Law.

“Mental health systems should provide services that help people avoid the attention of the police, and mental health workers, not the police, should engage people in connecting to the community-based services they want. Not only is this safer and more effective, but it also advances civil rights and avoids incarceration, institutionalization, and coercion.”