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Defenders**

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The Bronx Defenders’ Oral Testimony to the Committee on Mental Health, Disabilities and Addiction, Committee on Hospitals, the Committee on Fire and Emergency Management, and the Committee on Public Safety

February 6, 2023, at 10AM

Subject: “Oversight -- Mental Health Involuntary Removals and Mayor Adams’ Recently Announced Plan”

The Bronx Defenders thanks the Council’s joint leadership for holding this important oversight hearing. My name is Siya Hegde and while I testify today in my capacity as Housing Policy Counsel to the Bronx Defenders’ Civil Action Practice, my testimony encompasses a holistic defender perspective to highlight our collective concerns around the Mayor’s Involuntary Mental Health Directive and its far-reaching consequences on the communities we serve.

As holistic defenders, we are positioned to defend against structural, systemic failures of directives like this that trigger our clients’ family separation, threats of eviction and displacement from homes, lack of access to essential support services, and violation of their civil liberties. Black and Latine-identifying people of color in the Bronx have suffered decades of overpolicing, surveillance, and other racially discriminatory violent practices by law enforcement agents. Rather than committing to addressing the unmet needs of New Yorkers who are unhoused or at risk of being unhoused, this directive sets a dangerous precedent for public safety while reinforcing such historic discriminatory measures.

Since the directive took effect, our client, Mr. A., a queer-identifying black man with serious mental health conditions, was sent to a psychiatric emergency room against his will. This all took place during a verbal dispute with a family member who alleged that Mr. A was refusing his medications, without any display of violent behavior on Mr. A’s part and a licensed social worker advocating on his behalf to law enforcement agents and EMS staff. He was eventually deemed ineligible for admittance by hospital personnel, with the treating psychologist describing his situation as “unjust”. As additional context, Mr. A is fighting an eviction case. Of grave concern, the mayor’s directive was used as a means of circumventing court process to displace Mr. A from his home.

Similarly, another client, Ms. P., a black woman with underlying mental health conditions who was a victim in an alleged domestic incident, was forcibly grabbed and pinned to her bed by police officers who handcuffed her and injected with what appeared to be a sedative by EMT personnel. As she allegedly resisted arrest and verbally expressed her desire for treatment and

therapy, she was eventually charged with assaulting an officer and an EMT personnel and taken against her will to a hospital. Though she is no longer admitted, police intervention led to her criminal prosecution and her children being removed from her care and custody by ACS.

As these stories demonstrate, the critical dangers of forced institutionalization do not make communities safer. Instead, they mimic the deleterious harms of carceral punishment when police are given untethered deference to make clinical diagnoses and presume an individual's threats to public safety in the absence of medical recommendations.

Therefore, The Bronx Defenders urges the Council to rollback this initiative and instead invest in community mental health services and housing, investments that directly respond to the needs of this vulnerable group and offer voluntary support without entangling people in more harmful systems. We expressly ask the Council to permanently fund programs like the MOCJ Emergency Reentry Hotels, emergency housing that provides barrier-free, holistic social and support services, including humane medical care, and offer residents access to vocational and educational opportunities and pathways to permanent housing.

Thank you again for the opportunity to testify today. We intend to submit written comments and encourage the Council to please review our additional thoughts and policy considerations.