

[NYAPRS Enews] NYC Coalition Sues Mayor de Blasio for Failing to Provide a Safe, Non-Police Response to New Yorkers Experiencing Mental Health Crises

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Coalition Sues Mayor de Blasio for Failing to Provide a Safe, Non-Police Response to New Yorkers Experiencing Mental Health Crises

NYPD has routinely violated constitutional rights by killing, injuring, and forcing hospitalizations of people with mental disabilities

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A broad coalition of public interest groups and people with mental disabilities filed a [class action lawsuit](#) today against the City of New York, Mayor Bill de Blasio, and Police Commissioner Dermot Shea for violating New Yorkers' constitutional and civil rights by sending police officers — rather than trained health professionals and peers with lived mental health experience — to respond to thousands of mental health crises each year. The case challenges the legality and constitutionality of the City's policies, which have resulted in unlawful detentions, excessive force, serious injuries, forced hospitalizations, and 19 deaths of people with disabilities at the hands of the police in the last six years alone.

At the core of the lawsuit is the New York City policy of assigning police officers to respond to mental health crises. The plaintiffs include people who were arrested simply for having a mental health diagnosis — or even just being perceived as having a mental health diagnosis — and who were not a harm to themselves or others, but were nevertheless forcibly strapped to gurneys or otherwise restrained and taken against their will to a hospital. The lawsuit requests that the court require the City to replace its harmful policies with ones that ensure the safety of people experiencing mental health crises.

“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, an attorney with New York Lawyers for the Public Interest**, one of the civil rights groups that filed the suit. “These entrenched, misguided, unconstitutional policies have resulted in the deaths of numerous people experiencing mental health crises – the majority of whom are Black or other people of color – at the hands of police in New York City. Many others have been injured or involuntarily hospitalized, despite committing no crime.”

Earlier this year, NYLPI produced a [report](#) based on a survey by the organization and coalition partners of 154 New Yorkers who experienced mental health crises; it confirmed that NYPD responses routinely cause trauma and undermine health care.

“Too many New Yorkers experiencing mental health crises have died at the hands of the NYPD in the nearly 40 years since Eleanor Bumpers was killed in 1984,” said **Cal Hedigan, CEO of Community Access**, one of the organizational plaintiffs in the case. “Countless others have been subjected to excessive force, physically injured, emotionally traumatized, handcuffed and transported to emergency departments against their will, and otherwise harmed in police encounters. Today’s lawsuit seeks to put an end to this discriminatory conduct and compel NYC to act swiftly to remove law enforcement from this arena.”

“When confronted with mental health crises, individuals and families require empathy, compassion, and support. The NYPD’s practices result in too many New Yorkers being traumatized and brutalized, and we are bringing this lawsuit to finally say enough is enough. The NYPD must be removed from the crisis response system,” stated **Matt Kudish, Executive Director, National Alliance on Mental Illness of New York City**, one of the organizational plaintiffs.

The lawsuit details New York City’s long history of unconstitutional and unconscionable policies towards those with disabilities, including the 1970s scandal surrounding the shameful treatment of children and adults with developmental disabilities at Willowbrook State School in Staten Island, up through the failures of recent New York City mental health pilot programs.

“It’s past time for NYC to end the practice of sending NYPD officers as first responders to emergencies involving New Yorkers experiencing psychiatric crises. We’ve seen too often the harm to people, sometimes even their deaths, that results from this policy. Instead, send health professionals including peer counselors. Let’s put a practice in place that saves lives, not

takes them,” said **Robert Gangi, Director, Police Reform Organizing Project (PROP), on behalf of Correct Crisis Intervention Today – NYC**, of which PROP is a member.

The class action, filed in the U.S. District Court for the Southern District of New York on December 29, sets forth the defendants’ violations of the Fourth and Fourteenth Amendments to the United States Constitution; the New York State Constitution; the Americans with Disabilities Act; New York City’s Human Rights Law; and various other civil rights statutes. “Our Plaintiffs and the class members they seek to represent have been stripped of their dignity and treated as criminals simply because they have or are thought to have a mental disability by someone incapable of making that assessment. They were discriminated against and denied the rights enshrined by our Constitution, including the right to be free from unlawful seizures by the police, simply because of who they are,” said **Luna Droubi, Partner at Beldock Levine & Hoffman LLP**.

Jenny Marashi of Marashi Legal, another attorney for the plaintiffs, noted: “This lawsuit allows us to create a better working society by addressing our prolonged, irrational fear of mental illness and individuals with mental illness. Empowering trained peers (those with lived mental health experience) and health providers to respond to the complex and layered needs of someone undergoing a mental health crisis will ensure that the best and most compassionate are providing this critical care.”

“Every New Yorker has the right to fair and equal treatment under the law. Individuals with mental disabilities are being egregiously mistreated due to an outdated system of having armed police officers respond to mental health crises. We are dedicated to taking action to protect our most vulnerable citizens from this ongoing abuse,” said **Richard Schwed, the partner at Shearman & Sterling LLP** leading this pro bono representation.

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About New York Lawyers for the Public Interest (NYLPI)

Founded 45 years ago by leaders of the bar, New York Lawyers for the Public Interest pursues equality and justice for all New Yorkers. NYLPI works toward a New York where all people can safely thrive in their communities, with quality healthcare and housing, good schools, and environmentally sound neighborhoods. In NYLPI’s vision, all New Yorkers live with dignity and independence, with the resources they need to succeed. NYLPI’s community-driven approach powers its commitments to civil rights and to disability, health, immigrant, and environmental justice. NYLPI seeks lasting change through litigation, community organizing, policy advocacy, pro bono service, and education.

About Beldock Levine & Hoffman LLP

Beldock Levine & Hoffman LLP has been on the forefront of significant constitutional cases involving police misconduct, the First Amendment, and employment discrimination. The firm was responsible for the ground-breaking class action, *Floyd v. City of New York*, which successfully overturned the NYPD's decade-long unconstitutional stop-and-frisk policy. Other notable representations include the family of Eric Garner, members of the Exonerated Five, George Whitmore, and Rubin "Hurricane" Carter.

About Marashi Legal

Marashi Legal is a Bronx-based boutique civil rights law firm that has, over the past thirteen years, handled over two hundred false arrest and excessive force cases. Jenny Marashi first became interested in police encounters with individuals experiencing mental health crises when she noticed that one third of her clients had diagnosed mental disabilities. The firm's litigation strategy focuses on community engagement and transparency where stakeholders have a seat at the policy table. Marashi Legal clients have been instrumental in leading litigation against failed polices including solitary confinement, discrimination, fabrication of evidence, lack of transparency, district attorney corruption, correction officer cover-ups, and abuse of process.

About Shearman & Sterling LLP

Equal access to justice is vital for a fair society, especially for indigent individuals and nonprofit organizations that have limited resources for legal services. At Shearman & Sterling, we believe that engaging in pro bono work is an essential aspect of every lawyer's practice. Our pro bono practice is multi-jurisdictional, working to address issues around the world. We have a successful record throughout our history of producing practical results for community causes, achieved by combining outstanding legal skills with a deep belief in promoting social justice.

About Community Access

Founded in 1974, Community Access creates environments where people living with mental health concerns can build lives of their own choosing in the community. In addition to being one of the pioneers of supportive housing in New York City, Community Access is also home to the acclaimed Howie the Harp Advocacy Center, NYC's oldest and most comprehensive job training program for mental health peers, and delivers rights-based, person-centered health and wellness, treatment, supported education and crisis support programs that help more than 3,000 New Yorkers every year.

About Correct Crisis Intervention Today – NYC

Correct Crisis Intervention Today – NYC: Fighting to Transform Responses to Mental Health Crises was formed in 2012 to respond to the numerous deaths and injuries of individuals experiencing mental health crises that had occurred at the hands of the police. Our members include over 85 nonprofit providers, civil rights lawyers, family members, concerned citizens, and other advocates, as well as 600 people who have had personal experience with the mental health system and crisis services — the real experts.

About National Alliance on Mental Illness of New York City

For nearly 40 years, NAMI-NYC has served as a leading service organization for the mental health community throughout the city, providing groundbreaking advocacy, education, and support services for individuals affected by mental illness, their families, and the greater public, all completely free of charge. Our renowned peer- and evidence-based services are unique in that they are led both for and by members of the mental health community, and are reflective of the diversity of New York City.