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New N.Y. Gun Law Includes Chief's Recommendations

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[Download the paper: "Management of the Severely Mentally Ill and Its Effects on Homeland Security"](#)

New York state's sweeping gun regulations signed into law in January 2013 include recommendations on mental health that were part of Michael Biasotti's master's degree thesis from the Naval Postgraduate School Center for Homeland Defense and Security (CHDS).

Biasotti, police chief in the Town of New Windsor, N.Y., penned his thesis titled "Management of the Severely Mentally Ill and Its Effects on Homeland Security." The thesis calls for national guidelines, similar to Kendra's Law in New York and similar laws in 44 other states, in which adult outpatient therapy can be court-ordered under precise conditions.

1) The thesis portrays the issue as one of homeland security as untreated extreme mental illness can lead to crime and homelessness while diverting law enforcement resources. It notes that untreated severe mental illness has resulted in many successful attacks upon political leaders and governmental locations, attacks that any terrorist organization would be proud to claim their own.

During the 1960s and 1970s, as Biasotti wrote, states shuttered mental hospitals both as a cost-cutting measure and a treatment philosophy that favored integrating patients into their communities for care. The unintended result was that law enforcement became the front line of mental health treatment. The thesis cites, among others, the examples of the New York City Police Department where calls involving the mentally ill occur once every 6.5 minutes; in Florida, police transport more than 40,000 people per year for involuntary psychiatric exams, which exceed the number of people arrested in the Sunshine State for assault or burglary.

The thesis further cites strains on the corrections system: "A 2003 comprehensive study indicated that one in five of the 2.1 million Americans in jail and prisons are seriously mentally ill, far more than the number of mentally ill who are in mental hospitals."

2) Biasotti's research led him to back court-ordered Assisted Outpatient Treatment (AOT) in extreme mental illness cases in which patients are a danger to themselves or others.

Some patients' rights advocates oppose ordered treatment of people who have yet to be convicted of a crime while many mental health professionals say the requirement to report on patients who may harm themselves or others would erode the person's forthrightness and impede the time-honored tradition of doctor-patient confidentiality. That doesn't make sense to Biasotti as it's the only law that requires violence to occur rather than preempting it.

Biasotti counters that the population he has studied isn't simply mentally ill, they are severely so. There are 1,800 Kendra's Law cases in the New York, a state with a population of 20 million.

"And of those, we're talking about persons who have long histories of severe mental illness combined histories of violence and repeated involuntary hospitalizations attributed to noncompliance with treatment." Biasotti observed. "It is frustrating when discussing the issue when the opposition repeatedly states that the mentally ill population is statistically less violent. That statement does not include any qualifiers and is true no matter what group you use. CHDS professors are less violent, major league baseball players are less violent, most criminals are less violent. The only group that I can think of that would make the statement accurate would be violent criminals. So when we have a readily identifiable group of known dangerous people, when not in treatment, why does it take a disaster before anybody says we may need to address this small known subset."

Associated file: [Management of the Severely Mentally Ill and Its Effects on Homeland Security](#)

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