



# Mental Health and the Law in the Real World—Failure of a System?

AP Photo/MARTY LEDERHANDLER



Andrew Goldstein in 1999.

On January 3, 1999, Andrew Goldstein, who was 29 years of age, pushed 32-year-old Kendra Webdale in front of a New York subway train. She died from the impact of the train. Who was Andrew Goldstein, and what did he know about his actions?

Some 10 years earlier, Andrew Goldstein had been diagnosed with schizophrenia after pushing his mother into a wall. In 1992, he had committed himself to a state psychiatric hospital in New York. Some 8 months later, he was transferred to a group home. Four years after that, he was living on his own in New York City. However, he continued to seek help by going to emergency rooms when showing delusional behavior. In 1998, he committed himself to another New York hospital complaining that he had severe schizophrenia. This hospital released him after less than a month with a referral for outpatient therapy. Some have suggested he was released because the state only funds hospital stays for 21 days. Hospital records showed disordered thought and delusional and psychotic behavior. Three weeks after the last release, he pushed Kendra Webdale in front of the subway train.

The legal system treated Webdale's death as a crime. It would take three trials before the case could be resolved. In the first trial, Andrew Goldstein claimed that he pushed Webdale during a psychotic episode. The jury could not reach a unanimous decision. A second trial was held, and Andrew Goldstein was found guilty. However, this verdict was thrown out since the prosecution psychiatrist had quoted conversations from individuals who were

not available for the defense to question. Thus, he did not have a fair trial. The third trial took a different turn. In this trial, Andrew Goldstein said he knew what he was doing when he pushed Kendra Webdale. Here is some of his testimony, as reported in the *New York Times* (Hartocollis, 2006),

"On Jan. 3, 1999, did you push a woman you came to know as Kendra Webdale to her death?" Justice Berkman asked him yesterday.

Mr. Goldstein answered, "As much as I can understand, I did that."

Justice Berkman said she was not sure what he meant, and Mr. Goldstein's lawyers whispered to him at the defense table. He then changed his answer to a simple "yes."

The judge asked whether he had intended to cause serious injury.

"Yes," he said. "But not necessarily death." After another conference with his lawyers, he added, "Yes, yes."

The story of Andrew Goldstein shows the different purposes of the mental health and legal systems. It also shows the problems in getting each to work for the individual and society. Following these trials, the New York legislature passed a law referred to as "Kendra's Law," which authorizes courts to force individuals living in the community to take medication for their disorder. Kendra Webdale's mother, Patricia Webdale, has become an advocate for better mental health treatment. Follow-up studies have shown this approach has had positive results (Robertson, Swanson, Van Dorn, & Swartz, 2014). The results show that individuals who were compelled to take their medication were less likely to be readmitted to psychiatric hospitals and less likely to be arrested. Although the use of outpatient treatment increased, the costs to the mental health system dropped by over half. Currently, 45 states have some version of Kendra's Law.

**Thought Question:** In this case of Andrew Goldstein, the mental health system failed to protect both him and his victim. What recommendations would you make so that the legal and mental health systems could work together to better serve both individuals with mental illness and society as a whole?