

**REFERENCE AND RESOURCE MATERIALS FOR
“LITIGATING RACE IN CIVIL COMMITMENT”
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“Blacks more likely to be detained by police.” James D. Livingston, Contact Between Police and People with Mental Disorders: A Review of Rates, 67 PSYCHIATRIC SERVS. 850, 852 (2016).

Marvin Swartz, [“The Urgency of Racial Justice and Reducing Law Enforcement Involvement in Involuntary Civil Commitment,”](#) 71 *Psychiatric Services* 1211 (2020)

For a truly fabulous must-read, Camille Nelson, [“Frontlines: Policing at the Nexus of Race and Mental Health,”](#) 43 Fordham Urban L.J. 615 (2016), in which Prof. Nelson persuasively argues that Black and Latin suspects who the police experience as defiant or disrespectful are constructed by police as “crazy” regardless of their actual DSM status.

NOTE: Research shows this is also true for Blacks sent to juvenile detention, Desai, R. A., Falzer, P. R., Chapman, J., & Borum, R. (2012). [Mental illness, violence risk, and race in juvenile detention: Implications for disproportionate minority contact.](#) *American Journal of Orthopsychiatry*, 82(1), 32–40. <https://doi.org/10.1111/j.1939-0025.2011.01138.x>

NOTE: However, there are conflicting studies finding police are more likely to send detained Caucasians to the psychiatric hospital, see Cooper, V. G., Mclearn, A. M., & Zapf, P. A. (2004). [Dispositional Decisions with the Mentally Ill: Police Perceptions and Characteristics.](#) *Police Quarterly*, 7(3), 295–310. <https://doi.org/10.1177/1098611104267733>

NOTE: Also Blacks are more likely to be killed by police in the process of detention, Rafik Wahbi & Leo Beletsky, Involuntary Commitment as “Carceral-Health Service”: From Healthcare-to-Prison Pipeline to a Public Health Abolition Praxis, 50 *The J. of Law, Med. & Ethics* 23, 26 (2022).

Amy C. Watson and Taleed El-Sabawi, “Expansion of the Police Role in Responding to Mental Health Crises Over the Past Fifty Years: Driving Factors, Race Inequities, and the Need to Rebalance Roles,” FIU Legal Research Paper Series, Research Paper 23-05, March 2023, [SSRN-id4408297.pdf](#)

“Blacks more likely to have commitment petitions filed,” Shea, Timothy, et al. “Racial and ethnic inequities in inpatient psychiatric civil commitment.” *Psychiatric Services* 73.12 (2022): 1322-1329

“Blacks more likely to be involuntarily committed, Marvin Swartz, “The Urgency of Racial Justice and Reducing Law Enforcement Involvement in Involuntary Civil Commitment,” 71 *Psychiatric Services* 1211 (2020)

NOTE: This is also true of sexual offender commitments, [SVP-Civil-Commitments-Oct-2020.pdf \(ucla.edu\)](#)

“Blacks more likely to be restrained” Smith CM, Turner NA, Thielman NM, Tweedy DS, Egger J, Gagliardi JP. Association of Black Race With Physical and Chemical Restraint Use Among Patients Undergoing Emergency Psychiatric Evaluation. *Psychiatr Serv.* 2022 Jul;73(7):730-736. doi: 10.1176/appi.ps.202100474. Epub 2021 Dec 21. PMID: 34932385.

Paul J. Toriello, Stephen James, Leierer, Joseph E. Kefer, “The Impact of Race on the Use of Physical Restraint with Adolescent Males with Behavioral Disabilities: An Initial Study,” 34 *Journal of Applied Rehabilitation Counseling* 38 (De. 2003)

Charles F. Bond, Clarisse G. DiCandia, John R. MacKinnon, “Responses to Violence in a Psychiatric Setting: The Role of a Patient’s Race,” 14 *Personality and Social Psychology Bulletin* 448 (1988) (in Conn. State psychiatric hospital for adolescents, incidents of violence occurred equally among whites and African-Americans, but white hospital staff restrained African-American adolescents at nearly four times the rate they restrained white patients).

Wong AH, Whitfill T, Ohuabunwa EC, Ray JM, Dziura JD, Bernstein SL, Taylor RA. Association of Race/Ethnicity and Other Demographic Characteristics with Use of Physical Restraints in the Emergency Department. *JAMA Netw Open.* 2021 Jan 4;4(1):e2035241. doi: 10.1001/jamanetworkopen.2020.35241. PMID: 33492372; PMCID: PMC7835716.

Schnitzer K, Merideth F, Macias-Konstantopoulos W, Hayden D, Shtasel D, Bird S. Disparities in Care: The Role of Race on the Utilization of Physical Restraints in the Emergency Setting. *Acad Emerg Med.* 2020 Oct;27(10):943-950. doi: 10.1111/acem.14092. Epub 2020 Aug 24. PMID: 32691509.

Glenn Currier, Patrick Walsh and David Lawrence, “Physical Restraints in the Emergency Department and Attendance at Subsequent Outpatient Psychiatric Treatment,” 17 *Journal of Psychiatric Practice* 387 (2011)(patient’s race predicts both higher use of restraints and lower adherence to followup medical appointments in the community)

Vera Persovskaya, Divya Shan and Andrew C. Meltzer, “The Role of Race on Restraint Use: Racial Bias in Healthcare, Psychiatric Diseases, and Utilization of Restraints,” Part 2 of a 3 part series, [Urgent Matters](#) George Washington University June 25, 2021 (the lack of standardized thresholds to initiate restraint use causes the use to be partially determined by the clinician’s implicit racial bias)

“Blacks more likely to be referred for an inpatient evaluation after outpatient forensic screening evaluation,” Debra Pinals, Ira Packer, Fischer, et. al. “Relationship between Race Ethnicity and Forensic Clinical Triage Dispositions,” 55 *Psychiatric Services* 873-878 (Aug. 2004).

“Blacks more likely to be assessed as physically threatening,” Wilson, J.P., Hugenberg, K. and Rule, N.O., (2017) Racial Bias in Judgments of Physical Size and Formidability: From Size to Threat. *Journal of Personality and Social Psychology*, 113 (1) 59-80; Karmali F, Kawakami K. Posing while black: The impact of race and expansive poses on trait attributions, professional evaluations, and interpersonal relations. *J Pers Soc Psychol*. 2023 Jan;124(1):49-68. doi: 10.1037/pspa0000313. Epub 2022 May 19. PMID: 35587424.

See also [Tolling for the Aching Ones Whose Wounds Cannot Be Nursed": The Marginalization of Racial Minorities and Women in Institutional Mental Disability Law](#), Michael L. Perlin & Heather Ellis Cucolo 20 *J. Gender Race & Just.* 431, 436–41 (2017)

“Blacks more likely to be admitted to low-safety inpatient psychiatric facilities,” Shields MC. Patient Characteristics Associated With Admission to Low-Safety Inpatient Psychiatric Facilities: Evidence for Racial Inequities. *Psychiatr Serv*. 2021 Oct 1;72(10):1151-1159. doi: 10.1176/appi.ps.202000657. Epub 2021 May 17. PMID: 33993716; PMCID: PMC10249909.

Blacks More likely to be diagnosed with schizophrenia, Schwartz, R. C., & Blankenship, D. M. (2014). Racial disparities in psychotic disorder diagnosis: A review of empirical literature. *World journal of psychiatry*, 4(4), 133–140. <https://doi.org/10.5498/wjp.v4.i4.133>

Blacks More likely to be prescribed antipsychotic medications, Schwartz, R. C., & Blankenship, D. M. (2014). Racial disparities in psychotic disorder diagnosis: A review of empirical literature. *World journal of psychiatry*, 4(4), 133–140. <https://doi.org/10.5498/wjp.v4.i4.133>

Blacks More likely to be viewed as non-compliant with treatment or medication, van Ryn M, Burke J. The effect of patient race and socio-economic status on physicians' perceptions of patients. *Soc Sci Med*. 2000;50(6):813–828.

Blacks More likely to be referred for assessment of decisional capacity (although not found to lack capacity), William S. Garrett, Anita Verma, Daniel Thomas, Jacob Appel, “Racial Disparities in Psychiatric Decisional Capacity Consultations,” 74 *Psychiatric Services* 10 (2023)