

NEWS RELEASE

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Alaska Supreme Court Grants Mental Patients Constitutional Rights

In an important decision issued today, *William S. Bigley v. Alaska Psychiatric Institute*, the Alaska Supreme Court significantly advanced psychiatric patients' constitutional due process rights when the state seeks to force them to take psychiatric drugs against their will.

"One of the things they held," said Jim Gottstein, President and CEO of the Law Project for Psychiatric Rights (PsychRights) and the attorney who handled the case, "is that if the State is holding someone in a psychiatric facility, they must provide a feasible alternative to the forced drugging if the alternative satisfies the State's asserted justification. The State's only other option is to let the person go."

The Court also held that in order to allow the person a realistic opportunity to prepare a defense, when filing a forced drugging petition, the State must provide a written statement of the facts underlying the petition, including the reasons for the forced drugging, information about the patient's symptoms and diagnosis; the medication to be used; the method of administration; the likely dosage; possible side effects, risks and expected benefits; and the risks and benefits of alternative treatments and nontreatment. "This is very important," Mr. Gottstein said, "because up until now, they just checked a box that said the person was incompetent to decline and the facility wants to drug the person. Then the State comes in with a witness who testifies untruthfully and there is no way to have been prepared to rebut it."

Equally important, the Court ruled the person's lawyer must be given access to the person's medical and psychiatric records in advance of the hearing and adequate preparation time. "The problem is judges have been misled for years that these drugs increase safety and are beneficial to patients," according to Mr. Gottstein, "The truth is they decrease safety, are ineffective for most, are physically very harmful, and prevent many people from recovering. The evidence on this is clear, but the way these cases have been rushed through without allowing adequate time for a defense, these facts have not normally been revealed to the judges."

The Law Project for Psychiatric Rights is a public interest law firm devoted to the defense of people facing the horrors of forced psychiatric drugging and electroshock. PsychRights is further dedicated to exposing the truth about psychiatric interventions and the courts being misled into ordering people subjected to these brain and body damaging drugs against their will. Extensive information about these dangers, and about the tragic damage caused by electroshock, is available on the PsychRights web site: <http://psychrights.org/>.

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