



January 27, 2022

Contact:

Redmond Haskins
The Legal Aid Society
rhaskins@legal-aid.org
929.441.2384

Lupe Todd-Medina
New York County Defender Services
ltoddmedina@nycds.org
917.202.0116

*****FOR IMMEDIATE RELEASE*****

In Response to the Continued Humanitarian Crisis at Rikers Island, Defenders, Impacted New Yorkers, Elected Officials and Others Hold Advocacy Day, Press Conference Demanding the Passage of the Treatment Not Jail Act

Legislation Will Improve Public Safety by Providing Robust Community Treatment To Those Who Cycle In and Out of The Criminal Legal System Due to Untreated Mental Health and Substance Use Challenges

(NEW YORK, NY) – The Legal Aid Society, New York County Defender Services, The Urban Justice Center, NAMI, The Redemption Center, Neighborhood Defender Service of Harlem, Ontario County Public Defender, and other members of the Treatment Not Jail Coalition held an advocacy day and press conference urging Albany to enact the Treatment Not Jail Act (TNJ), legislation that aims to ensure that New Yorkers with substance use, mental health and other challenges have an off-ramp from the criminal legal system to obtain treatment and support in their communities, rather than jail.

The Treatment Not Jail Act:

- Expands the already-existing authority of judges to grant judicial diversion, extending eligibility not just to those with underlying substance use issues but to people who live with mental health challenges, developmental disorders, intellectual disabilities, traumatic brain injuries, and similar concerns.
- Abandons the current charge-based eligibility restrictions which present arbitrary and overly restrictive barriers to treatment for people whose underlying substance use or mental health issue contributed to their involvement in the criminal legal system.
- Incorporates due process protections and harm reduction principles and crucially, leaves medical decisions to health care professionals, not lawyers, and encourages clinically effective forms of treatment, rather than outdated, punitive measures that do not work.

Roughly half of the current population of New York City jails are recommended to receive mental health services, yet few receive adequate treatment, which has resulted in a surge in self-harm, suicides and overdoses in recent months. The Treatment Not Jail Act will offer these individuals a streamlined legal pathway out of this humanitarian abyss and into the treatment that they need and deserve.

Treatment Not Jail One-Pager: <https://tinyurl.com/3rkbw4x6>

Treatment Not Jail bill summary: <https://tinyurl.com/2p83znpb>

“It has never been more apparent that jail only serves to undermine public safety, including the individual safety and well-being of those trapped in this crisis of Rikers Island,” said **Tina Luongo, attorney-in-charge of the Criminal Defense Practice at The Legal Aid Society**. “The Treatment Not Jail Act offers an urgently needed pathway to treatment for thousands of people who are languishing in jail with mental health diagnoses, developmental disabilities, and substance use disorders. By incorporating evidence-based principles of harm reduction and shifting treatment-related decision-making to clinically trained experts, this legislation brings us one step closer to realizing a criminal legal system that is rooted in humanity, community well-being and evidence-based practices. We call on the Hochul Administration, Senate Majority Leader Stewart-Cousins and Speaker Heastie to immediately enact this critically important law.”

“I can’t tell you how many of the people we represent are in obvious need of mental health or substance use treatment, but instead of determining what they need and offering it to them, we send them to Rikers.” said **Stan Germán, Executive Director of New York County Defender Services**. “Do we really think sending these vulnerable individuals to a humanitarian wasteland is going to make them better? If the goal of our criminal legal system is to savagely torture, then we’re doing an excellent job. But if the goal is to address the underlying issues that bring people to the criminal legal system in the first place, and ultimately make everyone safer, then we need to make some major changes, and start treating those who need treatment.”

It has been documented time and time again that jail and prison increase, rather than reduce, recidivism rates and actually jeopardize overall public safety. This is because incarceration is a profoundly destabilizing and traumatizing experience, especially for those with mental health and substance use challenges who are often brought into the criminal legal system precisely because of a fundamental lack of basic services, like stable housing, treatment and community support.

Treatment courts, by contrast, have repeatedly been proven to lower recidivism rates, thus making our communities safer and saving money. According to OCA, for every \$1 invested in drug treatment courts, the state

produces \$2.21 in benefits. This cost-savings is especially urgent in New York City, where the taxpayers spend over a half a million dollars per year to incarcerate one individual, making the city's jail system by far the most expensive and least efficient in the country.

“After the past few years, New Yorkers are understandably on edge. Many of us never got the opportunity to grieve or reconcile with the pandemic, and our mental health has suffered. This is the point of empathy that we need to approach conversations about public safety from. Having visited Rikers many times, I've seen firsthand how ill-equipped our jail system is to address the underlying conditions that lead people to make unfortunate and dangerous choices. Treatment Not Jail is an intervention led by those with the greatest expertise and those closest to the pain. People who have come in contact with our jails, their family members, public defenders and social workers know how care can interrupt cycles of harm. If you're serious about making our communities safer, you will join the coalition to pass Treatment Not Jails this session,” said **State Senator Jessica Ramos, lead Senate sponsor of the legislation.**

“For years, we have acted as though the only solution to our public safety problem is to put people in jails and prisons. It's a short term solution which has created enormous harm in the long run,” said **Assembly Member and lead Assembly sponsor Phara Souffrant Forrest,** “If we want to build safer communities, happier families, and healthier individuals we need to invest in making sure that our first line of defense becomes treatment, rather than punishment. Treatment Not Jail will do just that, creating a more just, humane, and effective solution to our public safety crisis.”

"Many incarcerated individuals with disabilities lack access to treatment, which is critical to their health. It disproportionately affects people of color, and it's had tragic results," said **Assembly Member Kenny Burgos.** “We need to ensure that those with mental and physical health conditions are treated fairly and able to receive the help they need to survive. I am proud to support the Treatment Not Jail Act, and I strongly urge my colleagues to make it a top priority this session."

“Residents with behavioral health and Substance Use Disorder challenges deserve expert, professional care instead of incarceration and punitive cruelty,” said **Senator Pete Harckham, Chair of the Senate Committee on Alcoholism and Substance Abuse.** “With the Treatment Not Jail Act, we finally have an opportunity to find a more humane way to restore dignity and well-being to a large share of the prison population behind bars for no compelling public safety reasons. It's time to stand for justice for those who need our help rather than consign them to further despair.”

“When people are regularly arrested for behavior that could have been curbed with appropriate treatment, when a jail is this state's largest mental health treatment facility, and when people feel like suicide is their only option in Riker's Island, we need a transformative systemic solution,” said **Leanne Lapp, Ontario County Public Defender and President of the Chief Defenders Association of New York.** “We call upon those who say that we need to do more to support people with mental health struggles in the community to join us in this effort to put these sentiments into action and enact the Treatment Not Jail Act.”

“NAMI-NYC supports the passing of the Treatment Not Jails Act (S.2881B/A.8524), which would improve the use of mental health and drug courts, especially for individuals living with Axis I diagnoses, PTSD, and substance use disorders. While we advocate for our public officials to invest in community resources so that people living with mental health conditions do not end up arrested, we are committed to promoting awareness about mental

health and drug courts as an alternative to typical criminal proceedings to better the lives of those who unfortunately do have to face the criminal legal system,” said **Kimberly Blair, Manager of Public Policy & Advocacy at NAMI-NYC and Treatment Not Jail Representative.**

To watch today’s press conference, login [here](#).

###