

January 21, 2025

Contact:

Audrey Martin

Amartin@legal-aid.org

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

Defenders, Law Enforcement, Impacted New Yorkers, Elected Officials and Others Hold Advocacy Day, Press Conference Demanding the Passage of the Treatment Not Jail Act

Legislation Will Safeguard Public Safety by Dramatically Increasing Access to Treatment, Immediately Reducing Jail and Prison Populations

(ALBANY, NY) – Public defenders; members of law enforcement, including Albany Police Department Interim Chief of Police Brendan Cox; advocates and experts in the fields of mental health and substance use; impacted New Yorkers; elected officials; and others held an advocacy day and press conference calling on Albany to pass the Treatment Not Jail Act, legislation 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 will:

- expand the already-existing authority of criminal court judges to grant judicial diversion, extending eligibility not just to those with substance use diagnoses, but to New Yorkers who become justice-involved due to their unaddressed mental illness and intellectual, developmental and cognitive concerns;
- evolve the current law's arbitrary and overly restrictive charge-based eligibility restrictions to allow judges to review cases holistically to determine whether they are safe and appropriate for community-based care;
- ensure uniformity and fairness across New York state by incorporating due process protections, harm reduction and person-centered principles, and other best practices, leaving treatment decision-making to healthcare professionals, not lawyers, and encouraging clinically effective forms of treatment.

Nearly half of the current population of New York's carceral system are recommended to receive mental health services, yet few receive [any treatment at all](#) while being housed in our understaffed, cruel and [violently chaotic](#) prisons and jails. This ultimately contributes to the mental health crisis and the surge in carceral violence, self-harm, deaths by suicide and overdose. The Treatment Not Jail Act will offer individuals in need an effective legal pathway out of this oppressive cycle and into the treatment that ultimately benefits both those individuals and our communities.

Treatment Not Jail FAQ: <http://bit.ly/3DSualm>

“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 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.”

“New York has long relied on incarceration to address mental health and substance use challenges, often failing those most in need. The Treatment Not Jail Act offers a transformative path forward—expanding access to treatment courts and centering care over punishment. It’s a failure of the system that our correctional facilities are the largest mental health facility in New York State, this bill promotes public safety while upholding dignity and justice.” said **State Senator Nathalia Fernandez, Chair of the Alcoholism and Substance Use Disorders Committee.**

“Research consistently shows that treatment is far more effective than incarceration in addressing addiction and mental health issues. Programs focused on rehabilitation can reduce recidivism rates by up to 50%, breaking the cycle of crime and incarceration. Additionally, every dollar spent on treatment saves taxpayers up to \$7 in criminal justice costs and lost productivity. By supporting the *Treatment Not Jails* bill, we have the opportunity to redirect resources toward evidence-based solutions that prioritize public health, save lives, and create safer communities for everyone. This bill represents a necessary shift from punishment to healing, ensuring individuals receive the support they need to rebuild their lives,” said **Assembly Member Dr. Anna R. Kelles.**

“Incarceration is not the solution to public safety, especially as we continue to witness the deplorable treatment and conditions endured by those trapped in the crisis of Rikers Island and New York State prisons,” said **Tina Luongo, Chief Attorney 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 provides a real solution, rooted in humanity, community well-being and evidence-based practices. We call on Governor Hochul, Senate Majority Leader Stewart-Cousins, and Speaker Heastie to immediately enact this critically important law.”

“Sending New Yorkers in fragile mental states to our jails and prisons is exceedingly destructive - not just for the person who must endure the trauma and destabilization of incarceration, but for our communities as a whole,” said **Stan Germán, Executive Director of New York County Defender Services.** “Fortunately, we have a supportive and visionary Chief Judge, The Honorable Rowan Wilson, who is up for the challenge, and

has made expanding and modernizing treatment courts a top priority. Under his leadership, we are finally poised to see real change, as long as our elected leaders are willing to make the bold changes we desperately need, starting with the Treatment Not Jail Act.”

“Having worked as mental health staff in the mental health units at Rikers Island, I have witnessed firsthand the severe lack of adequate treatment for individuals with serious mental health issues. I have seen their mental health deteriorate due to harmful practices such as ‘deadlocking’ and the denial of access to essential care. Rikers Island is not equipped to provide proper treatment for mental illness. These individuals eventually return to our communities, and we must ensure they receive the support and care they need. This is why the Treatment Not Jail Act needs to be passed—because individuals with mental health conditions deserve comprehensive treatment, not punitive incarceration that exacerbates their challenges. If we care about community safety, we must pass the TNJ Act. This Act aims to create safer communities by tackling underlying factors like mental health challenges and substance use disorders, ultimately reducing recidivism rates,” said **Justyna Rzewinski, LCSW**.

“Passing the Treatment Not Jail Act will be a transformative step toward addressing the root causes of over-incarceration for individuals with mental health challenges and disabilities,” said **Luke Sikinyi, Director of Public Policy at the Alliance for Rights and Recovery**. “By prioritizing treatment over punishment and embracing harm-reduction principles, this legislation offers a compassionate and effective solution that promotes recovery, reduces recidivism, and ensures a fairer criminal justice system for all New Yorkers”

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