

Whereas, According to the most recent Preliminary Mayor’s Management Report, 53 percent of those in New York City Department of Correction custody had a mental health diagnosis and 16.5 percent had a serious mental illness diagnosis; and

Whereas, According to a 2018 report from the New York City Health and Hospitals Corporation, 45 percent of those in City jails had a substance abuse disorder; and

Whereas, While efforts have been made to reduce the number of people in New York City jails with mental health and substance use problems and increase the availability of community mental health resources and access to diversion programs, much more needs to be done; and

Whereas, It costs New York City and local governments across the state more to incarcerate individuals with mental health and substance use problems than it does to provide them treatment within their communities for a variety of reasons, including that they cannot use Medicaid dollars for their treatment; and

Whereas, Reports indicate that placing these individuals in treatment programs, rather than incarcerating them, reduces recidivism rates; and

Whereas, Under current state law, only people with substance use disorders charged with specific drug- and property-related criminal offenses are eligible for judicial diversion; and

Whereas, All court-involved people with disabilities and other behavioral health-related problems deserve an opportunity to access and benefit from treatment and support; and

Whereas, S1976A, introduced by State Senator Jessica Ramos, and companion bill A1263A, introduced by State Assembly Member Phara Souffrant Forrest, would amend the judicial diversion law to expand eligibility for treatment for court-involved individuals and shift the presumption from incarceration to community support; and

Whereas, S1976A/A1263A would expand eligibility for treatment by eliminating charge-based eligibility and making people with mental health illness and those with intellectual and physical disabilities eligible for diversion; and

Whereas, S1976A/A1263A would shift the presumption from incarceration to community support by ensuring that participation in judicial diversion is not tied to a guilty plea and participants are not incarcerated without due process; and

Whereas, Expanding eligibility for judicial diversion would save taxpayer money because diversion programs qualify for Medicaid and federal matching-funds; and now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign the Treatment Not Jail Act (S1976A/A1263A), which would amend Criminal Procedure Law Article 216 of the judicial diversion law in order to expand eligibility for treatment for court-involved individuals and shift the presumption from incarceration to community support.

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