



**The Bronx
Defenders**

**Redefining
public
defense.**

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***Impacted New Yorkers, Elected Officials and Mental Health Experts
Demand Passage of the Treatment Not Jail Act***

Legislation Will Dramatically Increase Access to Treatment, Reduce Jail and Prison Population and Improve Public Safety by Providing Robust Community Treatment For Those Who Would Otherwise Cycle In and Out of The Criminal Legal System Due to Untreated Mental Health and Substance Use Challenges

(ALBANY, NY) – Advocates and experts in the fields of mental health and substance use, impacted New Yorkers, public defenders, elected officials and others, called on Albany today to pass the Treatment Not Jail Act ([S.1976](#) - Ramos / [A.1263](#) - Forrest), to ensure that New Yorkers with substance use and mental health challenges have an off-ramp from the criminal legal system while having access to support in their communities and treatment, not jail.

The call comes in response to the continued mental health emergency throughout New York State, the humanitarian crisis engulfing our jails and prisons, and ongoing concerns about public safety.

“New York cannot punish our way out of our mental health and substance use crises,” said **Chief (Ret.) Brendan Cox, Director of Policing Strategies at the LEAD National Support Bureau**. “The only way to achieve true public safety is through proven-effective solutions like Treatment Not Jail. Rather than punishing and further traumatizing individuals for their mental health and

substance use challenges, these diversion opportunities steer individuals into the help they need, making all of us safer and healthier in the process.”

“Passing Treatment Not Jail is a critical step towards building safer and healthier communities,” said **Julia Solomons, Senior Policy Social Worker in the Criminal Defense Practice of The Bronx Defenders**. “All New Yorkers are safer when those who need it can access services and support, instead of languishing in a jail cell. Treatment Not Jail addresses root causes of criminal legal system involvement, giving people a true opportunity to change their lives. This legislation is a long-overdue shift of resources away from punishment and investment in the wellness of our communities.”

The Treatment Not Jail Act:

- Expands already-existing law - which currently allows Judicial Diversion only for people with substance use issues - to also include people with intellectual disabilities, mental illness, developmental and cognitive issues;
- Enhances the ability of judges to grant diversion based on clinical experts’ scientifically-based recommendations, rather than on the opinions of defense or prosecuting lawyers;
- Evolves the current arbitrary and overly restrictive charge-based eligibility restrictions to allow judges to consider offering treatment for anyone whose underlying substance use or mental health issue contributed to their involvement in the criminal legal system, and where treating the underlying source of criminal behavior is in the public interest, which will significantly reduce revolving door recidivism;
- Ensures uniformity and fairness across New York state by incorporating due process protections and harm reduction principles in every treatment court;
- Follows proven best practices for treatment courts: crucially leaving medical decisions to health care professionals, and encouraging clinically effective forms of treatment, rather than outdated and ineffective punitive-based measures.

Nearly half of the current population of New York’s carceral system are recommended to receive mental health services, yet few receive adequate treatment while being housed in our understaffed, underserved and violently chaotic prisons and jails.

Treatment Not Jail One-Pager:

https://drive.google.com/drive/folders/1N1IMGRSdt3oFninXowgqYiEUUIJpYF_A

Treatment Not Jail FAQ:

https://drive.google.com/drive/folders/1N1IMGRSdt3oFninXowgqYiEUUIJpYF_A

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