



TREATMENT NOT JAIL CAMPAIGN



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Mass incarceration is fueled by New York’s failure to provide adequate services to address mental health and substance use needs. Judicial diversion, which allows people to access necessary treatment through the court system, serves only a small percentage of those in need of treatment.

Amending Criminal Procedure Law Article 216 of the judicial diversion law expands eligibility for treatment for court-involved individuals and shifts the presumption from incarceration to community support. The Treatment Not Jail Act will ensure that New Yorkers with disabilities and other health-related challenges are provided an opportunity to obtain treatment and support in their communities.

ABOUT THE TREATMENT NOT JAIL CAMPAIGN



Treatment Not Jail is part of the Justice Roadmap platform to decarcerate New York and support communities

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In 2019, the average NY county spent twice as much on its jail as on public health



The state saves \$2.21 for every \$1 invested in these types of problem solving courts.



Mental health courts and drug treatment courts have both been shown to reduce recidivism

WHY IS IT SO IMPORTANT TO OFFER TREATMENT WITHOUT A GUILTY PLEA?

Research shows that when someone is motivated to change of their own interest, those changes last longer than when motivation comes from external pressure, such as the threat of punishment.

Additionally, many non-citizens cannot take advantage of diversion programs that require a plea up front because even a vacated plea can result in deportation or other negative immigration consequences.

WHAT DOES THE TREATMENT NOT JAIL ACT DO?

- Expands New York’s judicial diversion law by including people with mental health challenges, intellectual, neurological, physical, and other disabilities, who can benefit from treatment.
- Ensures that treatment court participants are not jailed without due process.
- Eliminates coercive and ineffective mandated treatment by permitting participation in treatment court without requiring a guilty plea.
- Expands eligibility by eliminating charge-based exclusions.
- Encourages judges to strongly consider the best clinical options for each participant and prioritize behavioral health needs over punitive responses.

WHY IS THIS LEGISLATION SO CRITICAL?

- New York State over-relies on jails and prisons as the primary treatment provider for people with mental health needs.
- Too many people are denied opportunities for diversion because prosecutors act as gatekeepers to treatment.
- People with disabilities and other health-related challenges deserve equal access to diversion across New York State.
- Under the current law, only people with substance use disorders charged with certain drug and property-related offenses are eligible for diversion. This bill would expand eligibility to more effectively address root causes of criminal legal system involvement and provide resources to those who need them most.
- We must ensure that treatment and support are available to everyone, regardless of immigration status.
- We must center the clinical needs of vulnerable individuals in order to truly and effectively decarcerate New York State.
- TNJ promotes public safety, relying on a robust body of research that consistently shows that jail leads to more – not less – criminal involvement. As these studies and our collective experience demonstrate, incarceration is a profoundly destabilizing and traumatizing experience, especially for those with mental health and substance use challenges.

GET INVOLVED

- Contact your New York State legislators and tell them to support Treatment Not Jail!
- To learn more or to get involved contact tnjcoalition@gmail.com.