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**Center for Justice Innovation  
New York State Joint Legislative Budget Hearing  
Public Protection  
January 25, 2024**

Thank you Senate Finance Committee Chair Krueger and Assembly Ways and Means Committee Chair Weinstein for holding today's joint legislative hearing on Public Protection. My name is Hailey Nolasco, Director of Government Relations at the Center for Justice Innovation. I appreciate the opportunity to testify today and am available to answer any questions you may have.

The Center wholeheartedly appreciates the Governor and Legislature's recognition of the role of mental health care in the criminal justice system and their continued investment in upstream support for individuals with complex behavioral health needs. We agree that by supporting the creation and expansion of Mental Health Courts across New York State, communities will be provided with improved options to adjudicate harm, maintain community safety, and produce positive outcomes for individuals and the community at large. We applaud the Governor for including \$6 million specifically for Mental Health Courts in her Executive Budget. To best match the current need, we believe that an investment of \$15 million will allow for a thoughtful expansion of Mental Health Courts with adequate services.

The need to expand the work of Mental Health Courts is more prevalent now than ever, with more than half of those incarcerated in New York City flagging for mental health concerns.<sup>1</sup> Many individuals who come into contact with the criminal legal system have been exposed to significant trauma and have had mental health conditions that have both been stigmatized and ignored.<sup>2</sup> In recognizing this reality, there is an opportunity for policymakers to apply new methods to coordinate and provide treatment and offramps for individuals before they suffer an extended jail stay while battling mental illness. Incarceration often entails collateral consequences such as losing housing, employment, access to loved ones, treatment. For individuals with mental illness, even a short period of incarceration can have detrimental effects

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<sup>1</sup> Office of the New York City Comptroller Brad Lander . (2023, August). *The State of New York City Jails*. Comptroller.nyc.gov. <https://comptroller.nyc.gov/reports/the-state-of-new-york-city-jails/>

<sup>2</sup> Rempel, M. (2020). COVID-19 and the New York City Jail Population. New York, NY: Center for Justice Innovation. Available at: <https://www.justicetinnovation.org/publications/nycjails-covid>.

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that reverberate for years, resulting in a costly, and largely ineffective revolving door justice system.

In seeking more effective responses to individuals with mental illness who become involved in the criminal justice system, the Center has implemented three Mental Health Courts throughout New York City. Mental Health Courts work with high-needs individuals suffering from mental illness and charged with crimes, offering meaningful support to prevent further involvement in the justice system. These courts play a vital role in connecting individuals to supportive services such as housing, job opportunities, and treatment. While more than 40 Mental Health Courts currently exist around the state, they are too often underfunded, undertrained, and underappreciated in their jurisdictions.<sup>3</sup> These courts, however, offer a powerful foundation on which to build a stronger, more resilient, game-changing response to the cross-cutting crises of mental health and public safety. As the New York State Court system explains, Mental Health Courts have six key goals:

1. **Improve public safety:** Many people with mental illness cycle repeatedly through the criminal justice system. Linking these individuals to community-based services to address their multifaceted needs is intended to reduce recidivism.
2. **Reduce length of time in jail or prison for offenders with mental illness:** Mental Health Courts seek to reduce both the frequency of arrests and the duration of incarceration of people with mental illness for whom community-based treatment is an appropriate alternative to incarceration.
3. **Use overtaxed criminal justice resources more efficiently:** Mental Health Courts are a means of reducing the frequency of contacts between law enforcement and people with mental illness, improving court operations in cases involving individuals with mental illness, and minimizing the strains on correctional facilities caused by incarcerating people with mental illness.
4. **Improve courts' ability to identify, assess and monitor people with mental illness:** By equipping courts with the tools necessary to perform meaningful assessments, identify appropriate treatment options and make connections to the mental health system, Mental

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<sup>3</sup> *Mental Health Courts*. NYCourts.gov. (2023, February).  
[https://ww2.nycourts.gov/courts/problem\\_solving/mh/courts.shtml](https://ww2.nycourts.gov/courts/problem_solving/mh/courts.shtml)

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Health Courts provide judges with the means to make more informed decisions about cases involving people with mental illness.

5. **Improve quality of life for people with mental illness:** Mental Health Courts seek to reverse the trend in recent decades toward “criminalization” of mental illness, a term that describes society’s use of the criminal justice system to respond to behaviors associated with or caused by mental illness. Instead of incarcerating people with mental illness, Mental Health Courts can help to connect them to community-based treatment and support services that encourage recovery.
6. **Improve coordination between the mental health and criminal justice systems:** In bringing together criminal justice and mental health stakeholders and involving many parties in the planning and implementation process, Mental Health Courts are catalysts for cross-training and systems improvement programs.

The Center’s three Mental Health Courts reach distinct but overlapping populations:

Launched in 2002, the **Brooklyn Mental Health Court**, based within Brooklyn Supreme Court, was one of the first Mental Health Courts in the U.S. to accept individuals with serious mental illness facing felony charges. The Court serves a high-needs population charged with serious crimes who might otherwise not receive access to appropriate services. In addressing both program participant treatment needs and community public safety concerns, the court links individuals with serious and persistent mental illness, who would ordinarily be jail- or prison-bound, to long-term community-based treatment as an alternative to incarceration. Participation in the program can last on average from 12 to 24 months.

The participants in our Mental Health Courts often face numerous challenges, so being able to administer critical treatment services while preserving stability in participants’ community is of vital importance. To date, approximately 1,300 participants have received treatment, satisfied program requirements, and graduated, all outside of the carceral setting. Active participants boast a 73 percent compliance rate while in Brooklyn Mental Health Court. These participants see a 46 percent reduction in the likelihood of a rearrest and a 29 percent reduction in the likelihood of a re-conviction versus a comparison group.<sup>4</sup> By monitoring their

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<sup>4</sup> Rossman, S.B., J. Buck Willison, K. Mallik Kane, K. Kim, S. Debus-Sherrill & P.M. Downey (2012, July). Criminal Justice Interventions for Offenders with Mental Illness: Evaluation of Mental Health Courts in Bronx and Brooklyn, New York. New York, NY: Urban Institute.  
<https://www.urban.org/sites/default/files/publication/25576/412603-Criminal-Justice-Interventions-for-Offenders-With-Mental-Illness-Evaluation-of-Mental-Health-Courts-in-Bronx-and-Brooklyn-New-York.PDF>

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treatment in their communities, the court allows participants to foster and maintain ties to family, friends, housing, and other crucial support systems.

The **Manhattan and Brooklyn Misdemeanor Mental Health Courts** utilize a model we helped develop in collaboration with the New York State court system focused on those charged with low-level crimes (often quality-of-life crimes), seeking to offer meaningful support to prevent further involvement in the justice system. The goal is to provide a nuanced, meaningful experience for participants for whom prior contact with the legal system has not been successful. This court builds on the judicial system's many years of experience with problem-solving courts and incorporates best practices of public health and public safety. The model better addresses a hard-to-serve population with a low threshold for entry, short mandates, deeper assessments, participant agency, and the potential for better outcomes.

The court helps people with mental health issues and co-occurring disorders to engage meaningfully in social services and reduce their involvement in the justice system. Our clients living with serious mental illness often face myriad and intersectional challenges. Following the model of Brooklyn Mental Health Court, the Misdemeanor Mental Health Court works with participants to craft individualized responses that address both treatment needs of the client and public safety concerns of the community. Participants are connected with ongoing mental health and substance use services, benefits, and housing support.

The court also helps clients build their relationships with family, friends, and community organizations, relationships that help clients avoid further justice system involvement. The Center has served over 280 individuals in programming through the Misdemeanor Mental Health Courts since their inception, with many clients electing to continue with voluntary services after they complete their mandate due to the effectiveness of services provided.<sup>5</sup>

Traditional responses to crime, such as incarceration, often fail to address the underlying causes, resulting in high rates of reoffending and recidivism.<sup>6</sup> The Center is committed to identifying effective and humane paths to producing public safety. Our goal is to move solutions upstream, emphasizing neighborhood resiliency and community-based initiatives to foster safety and economic opportunity and prevent justice system involvement whenever possible. We also

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<sup>5</sup> Center for Justice Innovation. (2023). Justice Center Application database. [Data file].

<sup>6</sup> Ly, L. & R. Sanchez (August 22) "Recidivists fuel New York City's rise in crime, mayor and police officials say." New York, NY: CNN  
<https://www.cnn.com/2022/08/03/us/new-york-city-mayor-police-recidivists-bail-reform/index.html>

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work with justice system partners to build programs that address both the psycho-social needs of justice-involved individuals as well as the need for accountability.

Through our work in these courts and many other problem-solving courts, we know that early intervention is best. Problem-solving justice goes beyond processing cases to resolve the issues that bring people to court. Problem-solving courts such as the Center's community, treatment, and Mental Health Courts offer a collaborative framework in addressing the underlying conditions that impact justice system involvement and forge new approaches to difficult cases where social, human, and legal problems intersect.

Offering help and support early builds safety, restores lives, and saves money. By striving to make each engagement swift and meaningful, it makes the most of a participant's brief—and hopefully last—contact with the system. While Mental Health Courts can be tremendously helpful for people who meet the relatively strict eligibility requirements to take part, we also know that programs like our felony alternative-to-incarceration work helps serve people whose mental health needs may not meet those requirements but who still need support and diversion.

We have seen firsthand the power of a fully trained Mental Health Court, supported by empathetic judges, prosecutors, defense attorneys, and social service providers. We know that this same approach could be replicated across New York State, with jurisdiction-specific adjustments to ensure these strengthened Mental Health Courts connect with existing community networks and services.

## **Conclusion**

The Center is committed to identifying effective and humane paths to producing public safety. Our firsthand experience operating direct service programs and conducting original research for nearly 30 years makes us uniquely qualified to offer insights that the State can consider as it evaluates policies and develops initiatives to meet the needs of all New Yorkers. In each instance, our aim is to provide a meaningful and proportionate response to harm, to treat all people under our care with dignity and respect, to prioritize public safety, and to produce much-needed cost savings for the state.

Again, the Center appreciates the Governor's and Legislature's recognition of the role of mental health care in the criminal justice system and specifically the increase in investments in Mental Health Courts. In partnering with the Center, New York State can continue to transform



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the justice system to cultivate vibrant prosperous communities that center public safety and security for all its members.