STATE OF NEW YORK

9150

IN SENATE

May 11, 2022

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to enacting the "rapid engagement initiative act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "rapid engagement initiative act".

§ 2. The criminal procedure law is amended by adding a new section 150.85 to read as follows:

§ 150.85 Rapid engagement initiative program.

1. For the purposes of this section, the following definitions apply:

(a) "Client" means an individual given a desk appearance ticket who has elected to engage with a rapid engagement team.

(b) "Critical services" means social services including, but are not limited to, health and mental health care, casework managers, substance use treatment, benefits application assistance, supportive, transitional, supportive housing, legal services, and access to immediate needs such as food, clothing, access to a cell phone and hygiene products.

(c) "Milestone program" means a program that uses goal achievement along a project timeline to track the progress of a client.

(d) "Peer navigator" means a caseworker employed by a qualified social service organization, who is able to build trusting relationships with clients and potential clients, either drawing from shared experiences or having worked closely with vulnerable populations.

(e) "Precinct" means the physical office location of the policing unit responsible for a designated geography of cities having a population of over one million persons.

(f) "Problem solving court" means a local criminal court formed to address a matter of special concern based upon the status of the defendant or the victim, including, but not limited to, drug court, domestic violence court, youth court, mental health court and veterans court.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(g) "Program" means the rapid engagement initiative program established by this section.

(h) "Qualified social service organization" means a not-for-profit, social service provider approved by the division of criminal justice services as provided in subdivision seven of this section.

(i) "Rapid engagement team" means a team of caseworkers and social workers employed by a qualified social service organization, who are responsible for connecting a client to necessary critical services as provided in subdivision six of this section.

2. (a) The provisions of this section apply to a city having a population of one million or more persons. The division of criminal justice services and the department of social services shall establish a rapid engagement initiative program for the purpose of connecting individuals charged with certain crimes to voluntary supportive services shortly after contact with law enforcement. The program shall assess and provide services to individuals to whom an appearance ticket has been issued. Participation in the program by the charged individual shall be voluntary.

(b) Each police precinct shall be assigned one or more peer navigators who shall function as the contact person or persons between the police, the charged individual and the qualified social service organization assigned to the precinct. At least one peer navigator shall be available at all times in a police precinct.

(c) One or more qualified social service organizations shall be assigned to each police precinct. Staff from the organizations must be near enough to the precinct to travel to the precinct within an hour. A qualified social service organization may be assigned to more than one precinct. At least one peer navigator and one rapid engagement team shall be stationed at each qualified social service organization. A peer navigator and a rapid engagement team may also be stationed at a problem solving court.

3. After the charged individual has been issued an appearance ticket:

(a) If the individual is brought to the precinct, the arresting officer shall notify the precinct peer navigator of the potential client and, upon release of the individual, connect the individual directly to the peer navigator.

(b) If the individual is not brought to the precinct, the arresting officer shall notify the peer navigator of the potential client. The peer navigator may meet the potential client at the site of the arresting officer and the potential client or may speak with them over the phone. Should the potential client choose to engage with the peer navigator further, the precinct officer, with the consent of the potential client, may bring the potential client directly to the peer navigator at the qualified social service organization or at the problem solving court if the individual is scheduled to be arraigned to a problem solving court.

4. (a) At the first meeting with a potential client, the peer navigator shall ensure that the potential client knows that their conversation is voluntary. If the potential client chooses to continue they shall provide information to the individual about:

(i) the court process, the arraignment hearing process and the arraignment date; and

(ii) the services available to clients in the rapid engagement initiative program.

(b) If a potential client appears to be experiencing a physical or mental health crisis, the peer navigator shall facilitate connection

with critical services necessary to address the individual's immediate needs.

5. (a) If a potential client elects to accept program services, the peer navigator will:

(i) collect information about the client for use by the rapid engagement team, including but not limited to: current residential and postal address, current phone number, current email address and any other information for the purpose of locating the client for future court appearances; and

(ii) facilitate transition of the client to the rapid engagement team, either by directly walking the individual to the rapid engagement team site, setting an appointment for the client with the rapid engagement team at the designated qualified social service organization, or connecting the client to the rapid engagement team over the phone or videoconference if in person connection is not available.

(b) An appointment with the rapid engagement team shall be made for the client immediately and shall be scheduled for a time occurring within twenty-four hours after receipt by the client of the appearance ticket. In the event that the client is in need of emergency services, an appointment with the rapid engagement team shall be made within twenty-four hours of the client's release from emergency services or stabilization.

(c) If a client will be arraigned at a problem solving court, the peer navigator shall connect the client to a rapid engagement team at that problem solving court, otherwise the client may be connected to a rapid engagement team at the designated qualified social service organization.

6. (a) The rapid engagement team shall conduct an assessment of the client's critical service needs, including but not limited to, the client's need for assistance in:

(i) obtaining vital documents;

(ii) obtaining permanent or emergency housing, or completing housing applications;

(iii) applying for public assistance benefits;

(iv) making connections with medical, dental and/or mental health resources, including, inpatient or outpatient substance use treatment and clinical groups;

(v) making connections with legal counsel;

(vi) enrolling in a high school equivalency program or vocational training program, parenthood program, or financial literacy program; and

(vii) making connections to programs designed to meet immediate needs such as the need for food, clothing, access to a cell phone and hygiene products.

(b) Upon completion of the assessment, the rapid engagement team shall assist the client in the process of obtaining appropriate and necessary services through existing programs offered through the qualified social service organization, another social service organization, the state or a municipality.

(c) For each client who accepts services from the rapid engagement team, the team shall:

(i) in collaboration with the district attorney for the court in which arraignment is to occur, screen clients for pre-arraignment diversion eligibility, if applicable;

(ii) design a milestone plan that meets the client's specific needs and tracks the client's needs and progress until the client's arraignment date;

(iii) inform the applicable district attorney, the client's legal counsel, the court and any other necessary party of the client's participation in the rapid engagement initiative program and provide a letter to the applicable district attorney's office, the client's legal counsel, the court, and any other necessary party of the client's participation in the rapid engagement initiative program, including the number of meaningful engagements a client has had since their arrest and release from the precinct, at the time of a client's arraignment;

(iv) facilitate the client's attendance at required court appearances, court-mandated social services appointments or community services appointments, and other community-based recovery support programs.

7. (a) The department of criminal justice services, in conjunction with the department of social services, shall designate an appropriate number of qualified social service organizations to fulfill the requirements of this section. In order to qualify for the program, the organization shall:

(i) have a proven track record of provision of effective services to a diverse set of clients;

(ii) have in-house services available or the ability to immediately refer clients to entities providing critical services;

(iii) have community partnerships with organizations that provide critical services that are immediately available for referrals;

(iv) have social workers and caseworkers on staff who have experience working with, and a demonstrated ability to address the needs of a diverse set of clients, including individuals living with chronic mental health needs, who are neuro-diverse, or have criminal justice-based trauma;

(v) be equipped to serve clients with limited-English language proficiency; and

(vi) be equipped to serve clients who are trauma survivors; women; non-binary; gender non-conforming; non-heteronormative; who have intellectual and developmental disabilities, traumatic brain injuries, neurocognitive disabilities; or who have physical disabilities.

(b) Each qualified social service organization shall designate an appropriate number of employees to act as peer navigators and members of the rapid engagement team. To the extent feasible, employees designated to be peer navigators shall have duties dedicated exclusively to that purpose.

8. The division of criminal justice services shall annually collect and publish non-identifying data about the rapid engagement initiative program on its website, including but not limited to:

(a) the number of individuals issued a desk appearance ticket at each precinct;

(b) the number of clients at each precinct who engage with a peer navigator;

(c) the number of clients at each precinct who engage with a rapid engagement team;

(d) the number of clients at each precinct who are re-arrested prior to arraignment;

(e) the number of clients at each precinct who are re-arrested after arraignment;

(f) the number of clients who have engaged pursuant to this section with a peer navigator, rapid engagement team, or both, and appeared or failed to appear for any court dates or for whom a warrant was issued associated with the arrest; and

(g) qualitative data from the experience of clients who have received services through the program prior to arraignment.

9. An individual's choice not to accept services through the program, or to voluntarily discontinue services through the program, or inability to meet milestones set by a rapid engagement team will not result in any sanctions or negative implications at arraignment.

§ 2. Each problem solving court and precinct subject to the provisions of this act shall implement such provisions within one year of the effective date of this act. Any problem solving court or precinct may apply to the department of criminal justice services in consultation with the department of social services, for approval to implement the provisions of this act prior to the expiration of the year.

§ 3. This act shall take effect immediately.