

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:

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

3 § 2. The criminal procedure law is amended by adding a new section
4 150.85 to read as follows:

5 § 150.85 Rapid engagement initiative program.

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

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

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

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

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

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

24 (f) "Problem solving court" means a local criminal court formed to
25 address a matter of special concern based upon the status of the defend-
26 ant or the victim, including, but not limited to, drug court, domestic
27 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.

LBD15214-02-2

1 (g) "Program" means the rapid engagement initiative program estab-
2 lished by this section.

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

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

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

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

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

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

33 (a) If the individual is brought to the precinct, the arresting offi-
34 cer shall notify the precinct peer navigator of the potential client
35 and, upon release of the individual, connect the individual directly to
36 the peer navigator.

37 (b) If the individual is not brought to the precinct, the arresting
38 officer shall notify the peer navigator of the potential client. The
39 peer navigator may meet the potential client at the site of the arrest-
40 ing officer and the potential client or may speak with them over the
41 phone. Should the potential client choose to engage with the peer navi-
42 gator further, the precinct officer, with the consent of the potential
43 client, may bring the potential client directly to the peer navigator at
44 the qualified social service organization or at the problem solving
45 court if the individual is scheduled to be arraigned to a problem solv-
46 ing court.

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

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

53 (ii) the services available to clients in the rapid engagement initi-
54 ative program.

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

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

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

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

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

16 (b) An appointment with the rapid engagement team shall be made for
17 the client immediately and shall be scheduled for a time occurring with-
18 in twenty-four hours after receipt by the client of the appearance tick-
19 et. In the event that the client is in need of emergency services, an
20 appointment with the rapid engagement team shall be made within twenty-
21 four hours of the client's release from emergency services or stabiliza-
22 tion.

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

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

30 (i) obtaining vital documents;

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

33 (iii) applying for public assistance benefits;

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

37 (v) making connections with legal counsel;

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

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

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

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

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

53 (ii) design a milestone plan that meets the client's specific needs
54 and tracks the client's needs and progress until the client's arraign-
55 ment date;

1 (iii) inform the applicable district attorney, the client's legal
2 counsel, the court and any other necessary party of the client's partic-
3 ipation in the rapid engagement initiative program and provide a letter
4 to the applicable district attorney's office, the client's legal coun-
5 sel, the court, and any other necessary party of the client's partic-
6 ipation in the rapid engagement initiative program, including the number
7 of meaningful engagements a client has had since their arrest and
8 release from the precinct, at the time of a client's arraignment;

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

12 7. (a) The department of criminal justice services, in conjunction
13 with the department of social services, shall designate an appropriate
14 number of qualified social service organizations to fulfill the require-
15 ments of this section. In order to qualify for the program, the organ-
16 ization shall:

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

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

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

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

28 (v) be equipped to serve clients with limited-English language profi-
29 ciency; and

30 (vi) be equipped to serve clients who are trauma survivors; women;
31 non-binary; gender non-conforming; non-heteronormative; who have intel-
32 lectual and developmental disabilities, traumatic brain injuries, neuro-
33 cognitive disabilities; or who have physical disabilities.

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

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

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

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

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

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

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

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

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

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

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

13 § 3. This act shall take effect immediately.