
POLICE ARE NOT THE ANSWER TO MENTAL HEALTH CRISES

DANIEL'S LAW S.2398/A.2210

New York must fundamentally transform the role of policing in our state – and we must start by ending our over-reliance on police as first responders in every crisis. When our friends, neighbors, or community members are experiencing a mental health crisis, they deserve to be treated with compassion, care, and understanding – not cops and the threat of jail. With “Daniel’s Law,” (S.2398 (Brouk) / A.2210 (Bronson) the legislature has an opportunity to meet this moment with a bold new vision for community safety that starts with removing police as the default solution to address mental health needs.

THE PROBLEM

Studies show that up to half of people who become victims of police violence have a disability – and overwhelmingly, a mental health

disability.¹ Tragically, for many New Yorkers, 911 has become the only option for people looking for mental health crisis intervention. And police often arrive at the scene armed with deadly weapons, a lack of mental health training, and a total inability to deescalate the personal crises they are so often assigned to handle. The results are devastating.

In March 2020, Daniel Prude was experiencing an acute mental health crisis when his family called 911 for help. He was naked in the street, and posed no risk to any other person. Yet, Rochester Police responded in force, handcuffed him, placed a hood over his head, and held him face down on the cold pavement until he stopped breathing. Daniel Prude was mocked and treated cruelly by officers with no understanding of his needs. Daniel Prude was a man experiencing an obvious mental health crisis, and he deserved care and dignity – but he was denied both. Instead, police killed him.

It doesn't have to be this way.

THE SOLUTION

New York legislators must do everything in their power to prevent what happened to Daniel Prude from happening again. To do this, we must end the role of police as a default response to people in personal crisis.

It's clear that mental health crises require mental health expertise. But right now, New York is addicted to cops in our state and local communities and budgets. New York must have transformative change if we are ever going to end our over-reliance on law enforcement. That means we need more than a bill that just creates a new agency, orders a study, or offers a new round of training for police. Those approaches just double down on failed strategies by pretending we can train cops into becoming mental health professionals.

We need policy change that shifts our whole vision of how our community responds to people in crisis. And it starts by treating mental health and substance use as *public health* issues – not public safety issues for the police. With the Prude family's support and consent, there is a proposed bill known as “**Daniel's Law**,” which holds the promise of a different way.

NYCLU

ACLU of New York

www.nyclu.org

HERE'S WHAT DANIEL'S LAW DOES

A mental health crisis is treated as a public health issue, *not* a public safety threat.

Mental health professionals and peers – those who have lived experience with mental health, drug use, and disability – will drive the policies that govern how we respond to a mental health crisis. Mental health experts working in the community and peers will make up a state council that advises and approves local emergency response plans setting forth comprehensive policies for responses to mental health and substance use crises. Each member of the council must be dedicated to the goals of de-escalation, trauma-informed, culturally-competent care, and avoiding contacts with the criminal system. And half of the council's members must also have direct or peer lived experience with mental health, disability, or drug addiction.

Current state law allows police to intervene any time someone poses any “mental hygiene risk” to themselves – even when there is no public safety risk. Daniel's Law changes this, so that emergency response plans will only be approved and funded where mental health experts and peers control the response to a health emergency, rather than police. Under Daniel's Law, the state will only fund

emergency response plans where the role of law enforcement is limited to situations where there's a public safety risk so that police are no longer the default first responders to health emergencies.

Response centers on consensual, community-informed care and deescalating crisis.

Daniel's Law requires the statewide council to work with the commissioners of mental health and addiction services to approve emergency response plans submitted by local governments. In order to receive approval and state funding, these plans must be driven and created by those with direct lived experience in mental health, and must center a health-based response to a health crisis instead of police. Once approved, local plans will formalize a peer-led process of licensing and training local mental health response units that can be dispatched instead of – not just alongside – police.

The local plans that will emerge from the process mandated by Daniel's Law must be fully integrated into existing 911, 988, and other emergency dispatch services, existing EMT response, local mental health and substance use facilities and providers, and local police response.

Daniel's Law is a first step – it will fix state law so we can build a meaningful mental health response system outside of the police. But it's not the end – we will all have to fight for funding and staffing for these units in every city and town in New York.

Mental health professionals are the first responders to mental health crises.

Local mental health response units will be trained and designed to respond to people in crisis, deescalate these situations, and connect people with the care they need. Daniel's Law creates a system for those already practicing trauma-informed mental health work in their communities to serve as local responders.

These mobile teams must respond *without* law enforcement accompaniment unless the crisis team determines that special circumstances require law enforcement assistance (and only when someone is in immediate danger).

Legislators can honor the memory of Daniel Prude, and prevent more unnecessary and tragic deaths at the hands of police, by passing Daniel's Law.

In 2023 the State Legislature passed a law creating the “Daniel's Law Task Force.” The task force will work to identify programs throughout the country that could serve as a model for building effective systems to respond to people experiencing mental health and substance use crises. The task force will also identify potential funding sources for expanding crisis response services.

We are pushing for the task force to submit a comprehensive report – informed by peers with lived mental health and substance use experience – that will pave the way for funding and enacting Daniel's Law.

ENDNOTES

1 Abigail Abrams, Black, Disabled, and at Risk: The Overlooked Problem of Police Violence Against Americans with Disabilities, TIME, June 25, 2020, available at <https://time.com/5857438/police-violence-black-disabled/>.