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OFFICE OF THE
DEMOCRATIC MINORITY




PETER J. CLINES, ESQ.
MINORITY COUNSEL

NASSAU COUNTY LEGISLATURE
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING
1550 FRANKLIN AVENUE - ROOM 131
MINEOLA, NEW YORK 11501
TELEPHONE: (516) 571-6232 - FAX: (516) 571-6125
email: PCLINES@NASSAUCOUNTYNY.GOV

Inter-Departmental Memo

To: Michael C Pulitzer, Clerk of the Legislature

From: Peter J. Clines, Esq., Minority Counsel 

CC: Hon. Richard Nicoletto, Presiding Officer

Hon. Kevan Abrahams, Minority Leader

Date: June 25, 2020

Re: A RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY ALTERNATIVE
APPROACHES TO MENTAL HEALTH RESPONSE AND INTERVENTION BY LAW
ENFORCEMENT

Attached please find the above referenced resolution which has been approved as to form per the Rules of the Legislature. Kindly distribute a copy to Presiding Officer Richard Nicoletto along with our request that this item be placed on the next available legislative agenda.

Kindly provide a time stamped hard copy acknowledgement of your receipt.

Thank you.

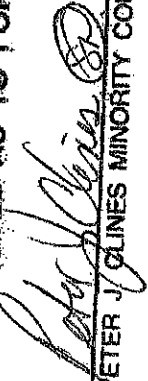
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Introduced by: Legislators Joshua A. Lafazan and Siela A. Bynoe

RESOLUTION NO. -2020

A RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY ALTERNATIVE APPROACHES TO MENTAL HEALTH RESPONSE AND INTERVENTION BY LAW ENFORCEMENT

APPROVED AS TO FORM

PETER J. CLINES MINORITY COUNSEL

2020 APR 14 10:12 AM

WHEREAS, according to the Office of Disease Prevention and Health Promotion (“ODPHP”), “[i]n any given year, an estimated 18.1 percent (43.6 million) of U.S. adults ages 18 years or older suffered from...mental illness and 4.2 percent (9.8 million) suffered from a seriously debilitating mental illness”; and

WHEREAS, in the United States, studies have shown that mental health related calls have risen 227 percent since the late 1990s and police officers spend an estimated 20 percent of their time responding to these calls; and

WHEREAS, according to studies published by the National Center for Biotechnology Information and the Treatment Advocacy Center, persons with mental illness are more likely to be victims of violent crime, than perpetrators and are 16 times more likely to be killed during a police encounter than individuals without mental illness; and

WHEREAS, a study from the Treatment Advocacy Center found that, “[n]umbering fewer than 1 in 50 U.S. adults, individuals with untreated severe mental illness are involved in at least [a quarter] and as many as half of all fatal police shootings”; and

WHEREAS, the International Journal of Environmental Research and Public Health reported that nationally, police cadets receive approximately 840 hours of instruction at police academies, yet on average, only 10 of those hours are devoted to mental illness; and

WHEREAS, according to President Trump's recent Executive Order on Safe Policing for Safe Communities "[i]t is the policy of the United States to promote the use of appropriate social services as the primary response to individuals who suffer from impaired mental health...recognizing that...law enforcement officers often encounter such individuals suffering from these conditions in the course of their duties"; and

WHEREAS, Governor Cuomo recently issued Executive Order 203, mandating that local governments consult with stakeholders to engage in a comprehensive review of current police force deployments, procedures and practices, and consider evidence-based policing strategies, including but not limited to, problem-oriented policing, de-escalation training and practices, and community-based outreach and conflict resolution; and

WHEREAS, certain jurisdictions have adopted alternatives to police intervention, such as Eugene, Oregon's CAHOOTS – Crisis Assistance Helping Out on the Streets – program, one of the nation's longest-running examples of alternative mental health crisis management, Denver, Colorado's Denver Alliance for Street Health Response (DASHR), and San Francisco, California's newly adopted police reform measure, which like the aforementioned programs, deploys non-police mental and behavioral health experts to non-criminal calls so that they may engage with individuals with mental illness and employ professional de-escalation techniques; and

WHEREAS, this Legislature finds that such alternatives are worthy of study and examination;

WHEREAS, this Legislature recognizes the vast responsibilities and duties local law enforcement officers currently hold and the need to provide safe, humane and comprehensive care for individuals with mental illness within Nassau County; and

WHEREAS, this Legislature finds it necessary and proper to require the study of alternatives to a police-led response in mental health-related encounters, including the creation of a Nassau County Police Department Mental Health Response Unit, or alternatively, an expansion of the role of Nassau County's Mobile Crisis Team; NOW, THEREFORE BE IT

RESOLVED, the Nassau County Police Department shall convene a committee to study approaches to redirecting the role of law enforcement in mental health crisis response, including, but not limited to:

- (i) the creation of a mental health unit within the Nassau County Police Department, comprised of mental and behavioral health professionals working in collaboration with law enforcement officials, relevant Nassau County departments and mental health advocates, among others, to provide assistance, resources and services to the mental health community;
- (ii) the co-deployment of law enforcement officers and non-law enforcement personnel, such as the Nassau County Mobile Crisis Team, in response to all mental or behavioral health-related calls received by the police department, whereby law-

enforcement officials may intervene only if an encounter has become violent or has escalated beyond the control of non-law enforcement personnel; and

- (iii) a comprehensive review of the efficacy, scope and feasibility of alternative approaches to mental health crisis intervention adopted in various jurisdictions throughout the United States; and be it further

RESOLVED, the committee shall be co-chaired by the Commissioner of the Nassau County Police Department and the Commissioner of the Nassau County Department of Human Services; and be it further

RESOLVED, the committee shall consult with social workers, mental health professionals, public health professionals, law enforcement officials, community members, and individuals and organizations with expertise in issues affecting individuals with mental illness, especially in communities of color; and be it further

RESOLVED, the committee shall convene its first meeting no later than 30 days after the passage of this resolution; and be it further

RESOLVED, the committee shall produce a report summarizing findings from the aforementioned study and make recommendations related to collaborative and alternative approaches to mental health intervention and response by law enforcement officials and mental, behavioral and public health professionals; and be it further

RESOLVED, such report shall be submitted to the Nassau County Executive, Presiding Officer and Minority Leader no later than 6 months after the passage of this resolution; and be it further

RESOLVED, that it is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L., section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R. and section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(33) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required; and be it further

RESOLVED, that this resolution shall take effect immediately.