

March 19, 2010

Hon. Cyrus R. Vance, Jr.
New York County District Attorney
One Hogan Place
New York, NY 10013

Re: Mental Health Unit New York County

Dear District Attorney Vance:

Congratulations on being elected Manhattan's thirty-eighth district attorney. We write to express our strong support for the mental health initiatives you announced during your campaign for office and to share our concern about the existing mental health courts in other counties you may consider as models for our county.

You stated during the campaign "I believe that creating a Mental Health Unit in the District Attorney's Office, to work in partnership with a dedicated Mental Health Court, will reduce recidivism and provide effective treatment in place of incarceration. This measure will increase fairness and justice for all New Yorkers suffering from mental illness." We share your belief that a dedicated mental health court will provide an effective alternative to incarceration for vulnerable defendants with mental illness.

We understand that the creation of a mental health court in New York County requires the involvement of all the stakeholders in the criminal justice system – the New York State Unified Court System, the defense bar, the New York State Office of Mental Health, the New York City Department of Health and Mental Hygiene, and mental health advocacy groups. If planning for a mental health court in New York County is not yet underway, we encourage you to take steps to initiate the process for the development of a mental health court in the county by reaching out to these stakeholders.

As you are undoubtedly aware, blueprints for the development of a mental health court in Manhattan already exist as a result of the creation of these dedicated courts in, for example, Queens and Brooklyn as well as other areas of the state. We caution, however, that the full-scale adoption of their programs may not be in our county's best interest because we believe that there is room for improvement with respect to defendants' rights. For example, we are aware that in Brooklyn, eligible defendants who choose to participate in the mental health court process are required to plead guilty at the outset of their participation. If a participant fails to "graduate" from the program, then the negotiated sentence is imposed.



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We see the potential for undue coercion in the requirement that mentally ill defendants plead guilty so that they may access vital mental health services. We ask you to consider other options. A viable alternative to a guilty plea might be an Adjournment in Contemplation of Dismissal. If the defendant "graduates" from the program then his or her case is dismissed; if they fail to "graduate" then they still have the rights afforded to all other criminal defendants, and the potential for at least the appearance of a coerced guilty plea are reduced.

We appreciate your expressed interest in establishing a mental health court in New York County and hope you make it a priority early in your term. We look forward to your response, and would be pleased to assist you in realizing the long overdue establishment of a mental health court in New York County.

Very truly yours,

Chelsea Reform Democratic Club

Steven Skyles-Mulligan/Judy Richheimer

Steven Skyles-Mulligan, President
Judy Richheimer, Acting President

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Urban Justice Center (Mental Health Project):
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