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**Written Testimony of Jane Shim
Director, Anti-Asian Violence
Asian American Legal Defense and Education Fund**

**Submitted to the Senate Standing Committee on Alcoholism and Substance Use
Disorders**

**Public Hearing on the Treatment Court Expansion Act (S4547)
October 10, 2025**

Dear Chair Fernandez and Members of the Committee,

The Asian American Legal Defense and Education Fund (AALDEF) submits this testimony in support of the Treatment Court Expansion Act (TCEA) (S4547/A4869).

AALDEF is a national legal organization that protects and promotes the civil rights of Asian Americans through litigation, advocacy, education, and organizing. Throughout our fifty years in operation, AALDEF has worked with individuals facing racial violence and harassment, from representation of Muslim New Yorkers after 9/11 to advocacy for those targeted during the pandemic. We have also hosted community health care initiatives to increase access to healthcare for all New Yorkers, regardless of language ability, immigration status, or income levels.

In light of this history, we write to urge the committee to pass the Treatment Court Expansion Act. TCEA expands access to treatment and therapeutic programs to many people who would otherwise be unable to afford or obtain care. The bill would also prevent future violence and bias incidents by addressing underlying criminogenic factors of poverty and poor health care.

**I. An Urgent Public Health Solution to Increase Safety and Wellness for All
Communities**

During the pandemic, racist rhetoric and rising xenophobia fed an increase in anti-Asian bias incidents and violence. Many Asian Americans were seriously injured or even killed, and some of the assailants had untreated mental illness at the time of the attacks. As our communities grasped for solutions, the criminal case often made things worse. For many, the prolonged process, aggression of law enforcement, and lack of care only increased victim trauma and a sense of hopelessness. Often, victims who sought our assistance were not focused on punishment but prevention—interventions that would ensure similar attacks wouldn't happen again to someone else in the future.

Unfortunately, for individuals whose offenses are tied to mental health or substance use

issues, the criminal system only exacerbates their challenges. According to a Vera Institute of Justice report, more than four out of five people in jail who have a mental illness do not receive treatment there.¹ Even so, Rikers Island remains New York’s largest psychiatric provider, and one of the largest in the country. This massive, unmet need causes individuals with mental health challenges to cycle through the criminal legal system, further decompensating with every arrest.

It's critical to treat criminal legal involvement at the root. Experts estimate that expanding treatment courts could cut recidivism in half and grow quarterly employment rates by 50% over 10 years, ultimately helping people become self-sustaining and autonomous.² TCEA helps break the cycle of offending and creates more safety, wellness, and care for all New Yorkers. Instead of reacting to harm that has already been done, TCEA is a proven program that keeps it from happening in the first place.

II. More Access to Healthcare, with Guardrails

TCEA allows more people to apply for therapeutic programs while still taking input from all parties in the criminal legal process. The court retains the authority to admit a person into judicial diversion, and prosecutors can argue and present evidence that a person should not be admitted. In more serious cases, prosecutor consent is still required for a person to enter a diversion program.

Crucially, however, TCEA modernizes New York’s current process so that prosecutors and judges are no longer charged with making healthcare treatment decisions. Instead, once a judge determines eligibility, a licensed clinician will develop a treatment plan to target the individual’s qualifying diagnosis. Judges will no longer make healthcare decisions, which are left to licensed healthcare professionals.

III. Investing in Successful Treatment Outcomes

TCEA promotes a pre-plea model that leads to more effective treatment. By participating in programs before submitting a guilty plea, a person no longer has to wait months or even more than a year to get treatment. Pre-plea treatment is also more effective. In a comparative study of 18 drug courts nationwide, researchers concluded that the pre-plea model both increased graduation rates and lowered costs.

Operating without a plea also allows courts to swiftly intervene when those in need of treatment enter the criminal legal system. It is primarily for this reason that New York’s Opioid Intervention Courts, which are focused on immediate connection to treatment to avoid overdose, uniformly operate without requiring an up-front plea.

Finally, both the American Bar Association and the New York State Bar Association urge diversion courts to adopt a pre-plea model as a matter of racial equity. The ABA notes

¹ Lauren Jones, Sandra van den Heuvel, and Amanda Lawson, “The Cost of Incarceration in New York State: How Counties Outside New York City Can Reduce Jail Spending and Invest in Communities,” Vera Institute of Justice, Jan. 2021, available at <https://www.vera.org/downloads/publications/the-cost-of-incarceration-in-new-york-state.pdf>.

² Recidiviz, Increasing Diversion Opportunities in New York (Dec 2023), available at <https://www.treatmentnotjail.com/files/ugd/d807c6e2fa0e67f9294649bdf7bcc6bb20a2c0.pdf>.

that “empirical study of post-plea diversion reveals a significant number of participants are subject to more severe penalties than similarly situated individuals who are not subject to diversion, particularly when the participant is a person of color.” In Buffalo, white people make up a staggering 83% of the total enrollment for the local opioid court, while the Buffalo drug court counterpart is far more racially diverse, with white people making up only 46% of the total population. The opioid court is much more public health oriented and embraces a pre-plea model while the drug court is punitive and reflects archaic views on treatment. Race should not be dispositive on the nature of your care. Across the state everyone should be eligible to receive the accessibility, efficiency and medical benefits of a pre-plea model.

For the foregoing reasons, AALDEF urges the committee to pass the Treatment Court Expansion Act.

Thank you for your attention to this issue. If you have any questions or wish to discuss our concerns further, you can contact me at jshim@aaldef.org.

Sincerely,

Jane Shim
Director, Anti-Asian Violence
Asian American Legal Defense and Education Fund