

Clinical Care Call Focused on Justice – Informed Practice:

January 21, 2020

On this call, Dr. Stephanie Le Melle, MD, MS, Director of Public Psychiatry Education at Columbia Psychiatry/NYSPI, discussed New York's Bail Reform Law, which took effect on January 1st, 2020 in New York State, and its impact on ACT providers. Dr. Le Melle also introduced the Sequential Intercept Model. [Click here for more information about the new bail reform.](#)

On the call some providers asked about other resources to learn more about individuals who are justice involved. This Resource Guide provides you with a link to SPECTRM on the CPI LMS, *a training to help enable state and community providers to identify and address the needs of individuals with serious mental illness and justice involvement. This course has a focus on finding ways to engage and work collaboratively with these clients when they return to the community.*

[Sensitizing Providers to the Effects of Correctional Incarceration on Treatment & Risk Managements \(SPECTRM\)](#)

Below you will find brief descriptions of New York State **Mental Hygiene Law (MHL)**, **Civil Law** and **Criminal Law**, which may be helpful as you work with ACT participants who are justice involved.

Please join us for our next Justice – Informed Clinical Care Call
Tuesday, February 25th at 11 AM.
Dr. Merrill Rotter will answer questions about New York's Bail Reform Law.

Mental Hygiene Law (MHL) – With a few notable exceptions (e.g., HIPPA), state law governs the practice of medicine, including psychiatry. In NYS, the Mental Hygiene Law covers legal areas such as patients' rights, surrogate decision making, guardianship, the commitment of sex offenders, and the hospitalization of the mentally ill. Generally mental health providers are most familiar with the last category – hospitalization of the mentally ill – which is codified in Article 9 of the MHL. This Article covers, among other things, involuntary, voluntary and emergency admissions; SAFE Act provisions; and AOT.

Civil Law – Civil law is the area of law that governs disputes and potential remedies between private citizens and organizations, and includes contract law, family law, property law and tort law (e.g., negligence, civil assault and battery, product liability). Individuals and organizations can bring lawsuits against one another – verdicts are generally monetary or court orders for a party to do or refrain from doing something. Prison is not involved because civil law does not involve crimes. Note though, some actions (such as assault) can be brought civilly by an individual (where the sanction is paying \$ to the victim) and criminally by the government (where the sanction could be a fine and/or imprisonment).

Criminal Law – Criminal law is the area law concerned with the government potentially prosecuting individuals or organizations who are accused of committing crimes. Each state has its own criminal code and there are federal crimes as well. In NYS crimes are either misdemeanors or felonies. In NYS, a misdemeanor is any offense (other than a traffic infraction) for which a prison sentence of greater than 15 days but not more than one year can be imposed. Examples include theft of less than \$1,000, writing graffiti without permission, public lewdness, driving while intoxicated, and recklessly injuring someone. Felonies in NYS are offenses for which sentences of greater than one year can be imposed. Examples include murder, arson, sex trafficking, and assault in the 1st degree. NYS law also includes traffic infractions and violations. Violations are offenses, other than traffic infractions, for which a sentence in excess of 15 days may not be imposed. In NYS, only misdemeanors and felonies are considered crimes.