

Criminal Justice Diversion of People with Disabilities

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Taunton, Massachusetts Community Crisis Intervention Team:

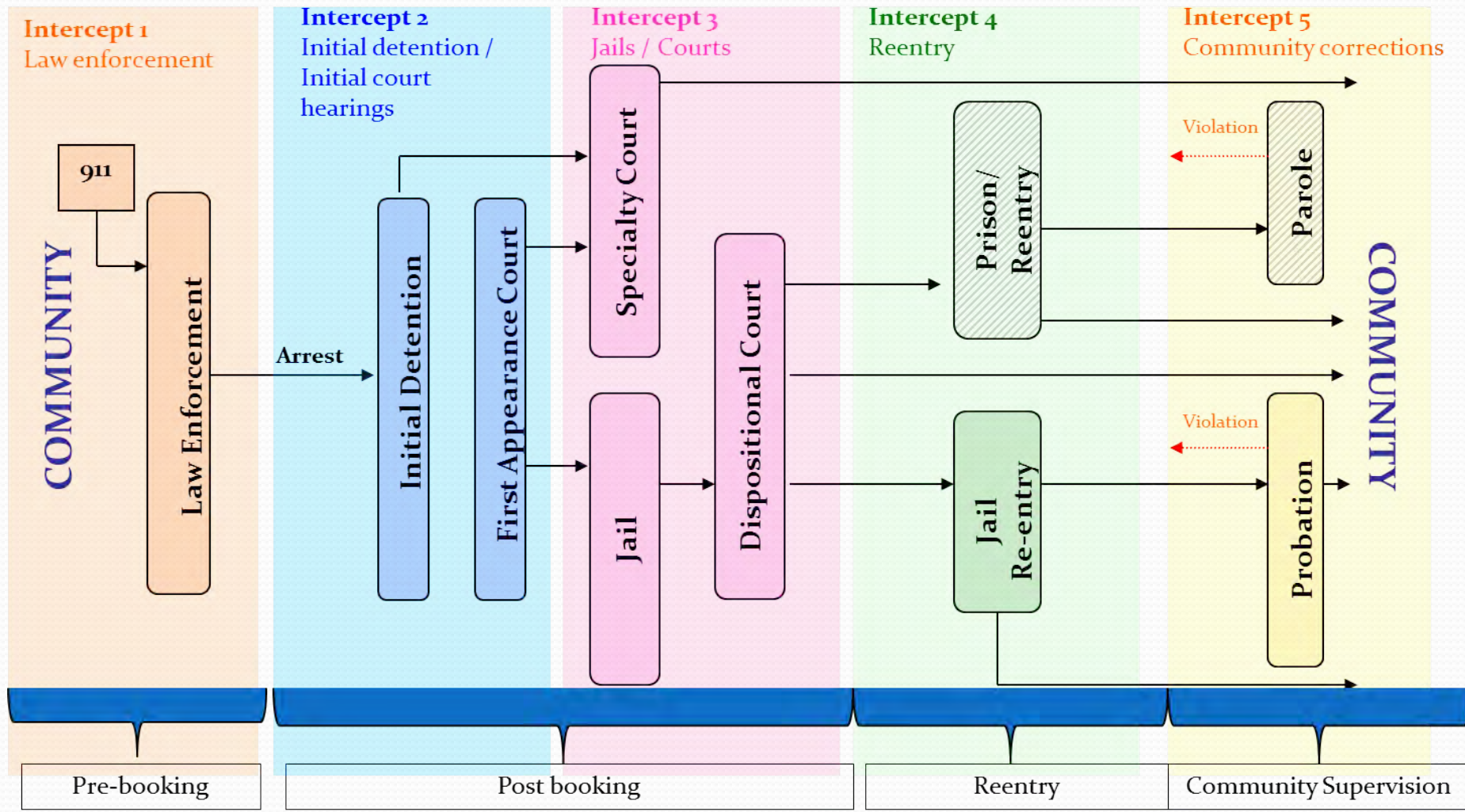
Steven L Turner, MS

Bill McAndrew, MA

Keith Bourdon, MA LSW

IACC Services Workshop: Enhancing Supports for People with Autism and Their Families: Community Integration and the Changing Delivery System

Sequential Intercept Model



Basic Goals

- Keep people out who do not need to be there
- Provide constitutionally adequate services when incarcerated
- Link people to services to keep them from coming back because of mental illness
- Promote recovery



Intercept Specific Terms and Interventions

Pre-booking Jail
Diversion

Intercept 1

Law enforcement

COMMUNITY

Dispatch
911

Local Law Enforcement





Stafford County woman confronts issues of race, autism after son's arrest

By Theresa Vargas Washington Post Staff Writer . 2010

- Authorities gave this account: About 20 minutes into the search, Deputy Thomas Calverley, the resource officer at a nearby high school, saw Latson and noticed that he matched the description of the suspicious man. Asked for identification, the teenager began "to attack and assault the deputy for no apparent reason." Latson struck the deputy several times. The officer unloaded pepper spray on the teen, who wrestled the container away and sprayed the officer. Latson then ran. Other officers found Latson in the nearby woods and the deputy on the ground with a head laceration, cuts and a broken ankle that would require surgery.

Eleven-Year-Old Autistic Boy Arrested

- It happened on Tuesday, September 28. Eleven-year-old Terrauce Jones, a student at Merritt Brown Middle School in Bayou George, Florida, was arrested when he allegedly assaulted two school administrators while being questioned. He was charged with two felony counts of assault on a school official.

Mother Furious After Autistic Daughter Arrested

Mike Petchenik reports

Posted: 5:00 pm EST February 9, 2011 Updated: 6:06 pm EST February 10, 2011

- A West Georgia Sheriff is defending his deputy's decision to arrest, handcuff and jail a mentally challenged student who acted up in the classroom.
- Tessie Collins, 17, was booked into the Haralson County Jail on Tuesday on charges of simple battery and obstruction of a law enforcement after a school resource officer witnessed her pinch a student and a teacher at Haralson County High School.
- "The officer had to do something," Sheriff Eddie Mixon told Channel 2's Mike Petchenik. "In my opinion, it was handled with kid gloves. You got to stop it. That's our job, it's to stop the violence."

Will apologize for mistaking autistic teen as drunk, police chief says

Dane Spurrell, 18, of Mount Pearl was stopped by an RNC patrol on Saturday night while he was walking along Topsail Road. Spurrell told CBC News on Tuesday the RNC assumed he was drunk because of his appearance and how he walks.

RNC Chief Joe Browne said Wednesday that while he does not yet have all the facts in the case, he will ensure that the force enhances its training so that it does not happen again.

Spurrell was held in custody overnight and released after his mother, Diane Spurrell, called to report that her son was missing. When informed that he was in the downtown lockup, she told the RNC that her son is autistic.

'ASPERGER'S SUFFERER' JAILED FOR POSING AS SUBWAY SUPERVISOR

- A man believed to be suffering from Asperger's syndrome was sentenced to between two-and-a-half years in prison on March 29, after being arrested about 20 times for illegally posing as subway motormen, bus drivers, and transit token takers - despite his lawyer's plea for psychological testing.
- Wearing a transit authority uniform, he let himself into a control room at the 57th Street station. He then tripped a switch that caused a Queens-bound train to stop. When McCollum, posing as a transit supervisor, went on to the track to help the crew with repairs, the conductor recognised him and called police.
- McCollum showed police a letter on transit authority letterhead stating he was an employee, but he eventually confessed.

Missing Boy Spends 11 Days On NYC Subway

- A 13-year-old boy with Asperger's Syndrome spent 11 days hiding on the New York subway until he was spotted by an officer who recognised him from missing person posters.
- Conductor Frank Nunez said: "Supposedly this kid did not want to be found. It's pretty easy to elude us for quite a while. I'm not surprised."
- Francisco is now back at home and the school problem which caused him to run away has been dealt with, Ms Garcia said.

Law Enforcement

- > What comes to mind when you think of a law enforcement officer?
 - First Responders
 - Public Safety
 - Investigation

Law Enforcement/Emergency Services

- Specialized Responses
- Police-based crisis intervention teams
- MH professionals employed by police department
- Mobile mental health crisis teams



LE Resources

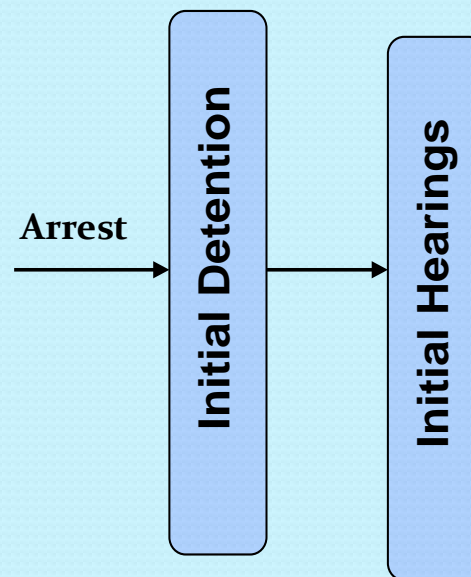
- **Autism Checklist for Law Enforcement/First Responders**
http://www.asmonline.org/programs_law_dispatch.asp Autism Society of Maine
- Wilmette officers now carry flash cards in their patrol cars to better communicate with autistic people who may struggle to respond verbally.
- Northbrook authorities have a wallet-size card cuing them on how best to approach someone with autism—calmly, slowly and, if possible, without flashing lights.
- In Naperville, youth officers next month will huddle with educators from the local school district to get tips on interviewing autistic children.
- "I know this sounds stupid and naive, but if you can avoid touching the subject, at least at first, it's probably a good idea," attorney Brooke Whitted told nearly three dozen police officers and firefighters from Northbrook during recent training.

Post-Booking Diversion Options

After arrest has been made.

Intercept 2

Initial detention /
Initial court hearings



Initial Detention

- > Arrest
- > Initial Detention
- > Types of Criminal Offenses
 - Violations/Infractions
 - Misdemeanors
 - Felonies
- > Booking/Pretrial Detention

Arraignment/ First Appearance Court

- > Arraignment
- > Assignment of Attorney
- > Bail
- > Pretrial Release
- > Pretrial detention



Intercept 3 Jails / Courts

Specialty Courts?

**Other Court
Programs**

**Jail-Based
Diversion
Programs**

&

**Jail Mental
Health Services**

Courts



Jail

Jails

- Booking Officer
- Classification
- Detention
 - General Population Unit
 - Mental Health/Medical Unit
 - Special Housing Unit
 - Disciplinary Housing (The Box)
 - Protective Custody

Behavioral Health Specialized Interventions

“In jail I was under a suicide watch. I was so devastated by being arrested. I took out my soft contact lenses and they said throw them in the toilet. I was blind and couldn’t see anything. I had such an anxiety attack. I couldn’t breathe or talk.”

-Leanne

- Screening
 - Brief Jail Mental Health Screen
- Suicide Watch



Important Court Roles

- Judge
- Prosecutor
- Indigent Defense
 - Court Appointed
 - Legal Aid
 - Public Defender
- Probation

Competency and Insanity

- **Competency to Stand Trial Evaluation**
- **Competency Restoration**
- **Insanity**

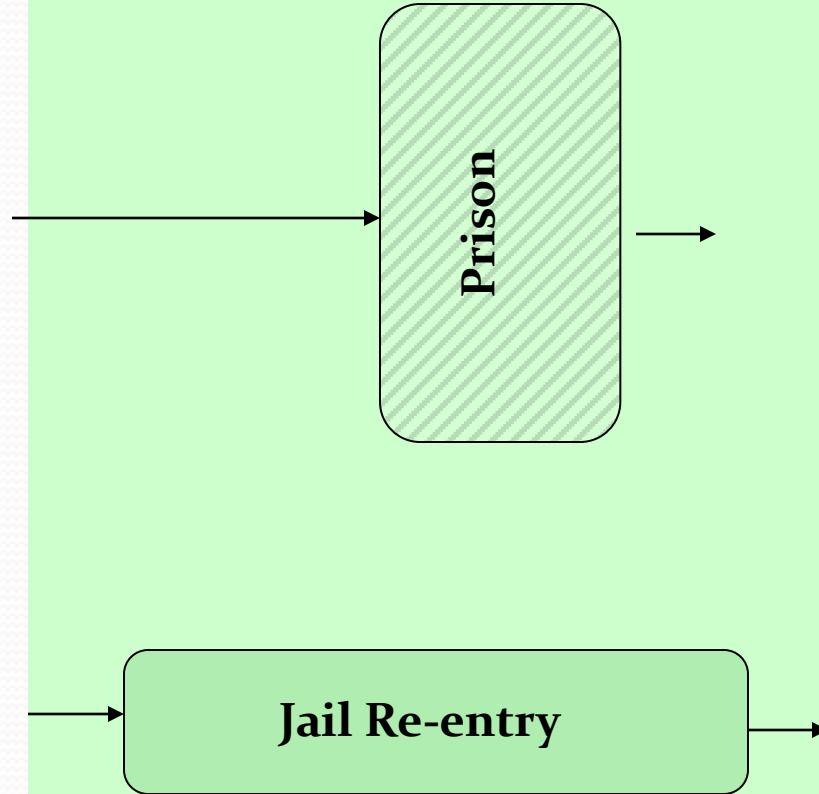
Dispositional Court

- Plea Bargaining
 - Lesser charge
 - Reduced sentence
 - Conditions for treatment
- Trial
- Presentenced Investigation
- Sentencing
- Insanity Defense

Specialized Courts (Problem-Solving Courts)

- Drug Court
- Mental Health Court
- Veterans Treatment Court
- Domestic Violence Courts
- Driving While Intoxicated (DWI)/ Driving Under the Influence (DUI) Courts

Intercept 4 Reentry





Reentry

- Jail
 - Pre-sentenced releases
 - Time Served
 - Released from court
- Prison
 - Conditional Release
 - Parole Eligibility
 - “Max-Out”
 - Work Release

Behavioral Health Specialized Interventions

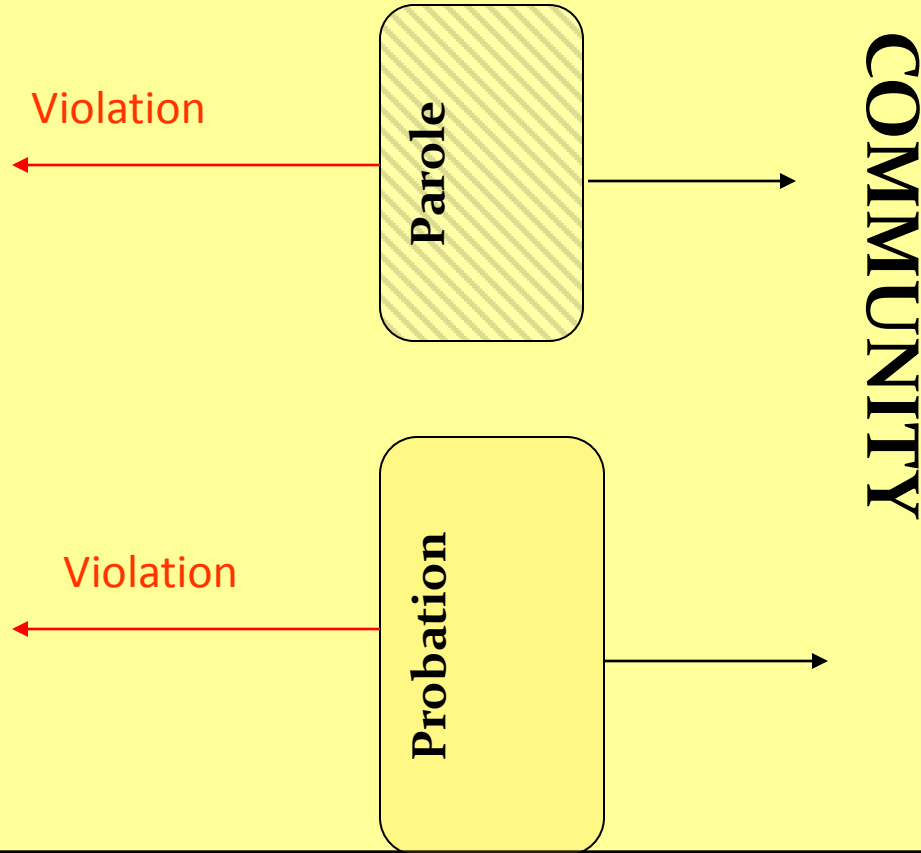
“The last time I used (drugs), I got rescued by the New York City Police Department. After 3 weeks there, a social worker came around the cell block and told me that there was a MICA Program. I sat on Riker’s Island for 2 more months. I went to a transitional program and then went to that MICA Program. At this program I could talk about my psychiatric issues and substance abuse without being judged. I got to see a therapist and learned about trauma. From that point forward, I made incremental steps at healing.”

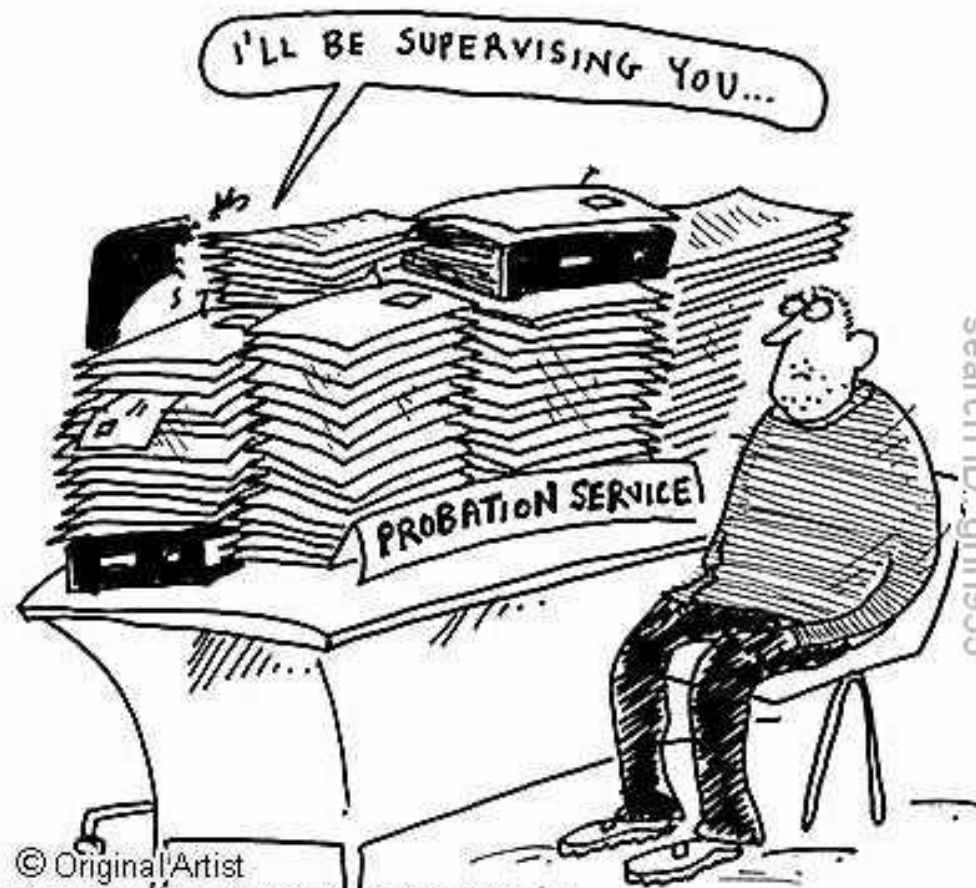
– David

- In-reach
- Re-Entry Checklist
- Benefit Specialists
- Specialized case management teams

Intercept 5

Community corrections






search ID: grin935

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ulda

- 
- I was terrified of my probation officer. My counselor had to go meet with him to explain about my mental illness. It was terrorizing so my case manager or counselor would go with me.

Leanne

Community Corrections

“What was most helpful to me was stable and good relationships between the folks with criminal justice (parole) when collaborating with folks in the mental health system.”

-Keysha

“The importance of my relationship with my parole officer was that I learned to be honest. If I was struggling with something, I let him know, I’m struggling with this and I need you help, what can I do?”

-Jeanette

- > Probation
 - Specialized Probation
 - Probation Officer
- > Parole
 - Specialized Parole
 - Parole Officer
- > Conditions of Supervision
- > Technical Violations
- > Revocation

Resources

CSG Justice Center: www.consensusproject.org

SAMHSA National GAINS Center:
www.gainscenter.samhsa.gov

NAMI: www.nami.org

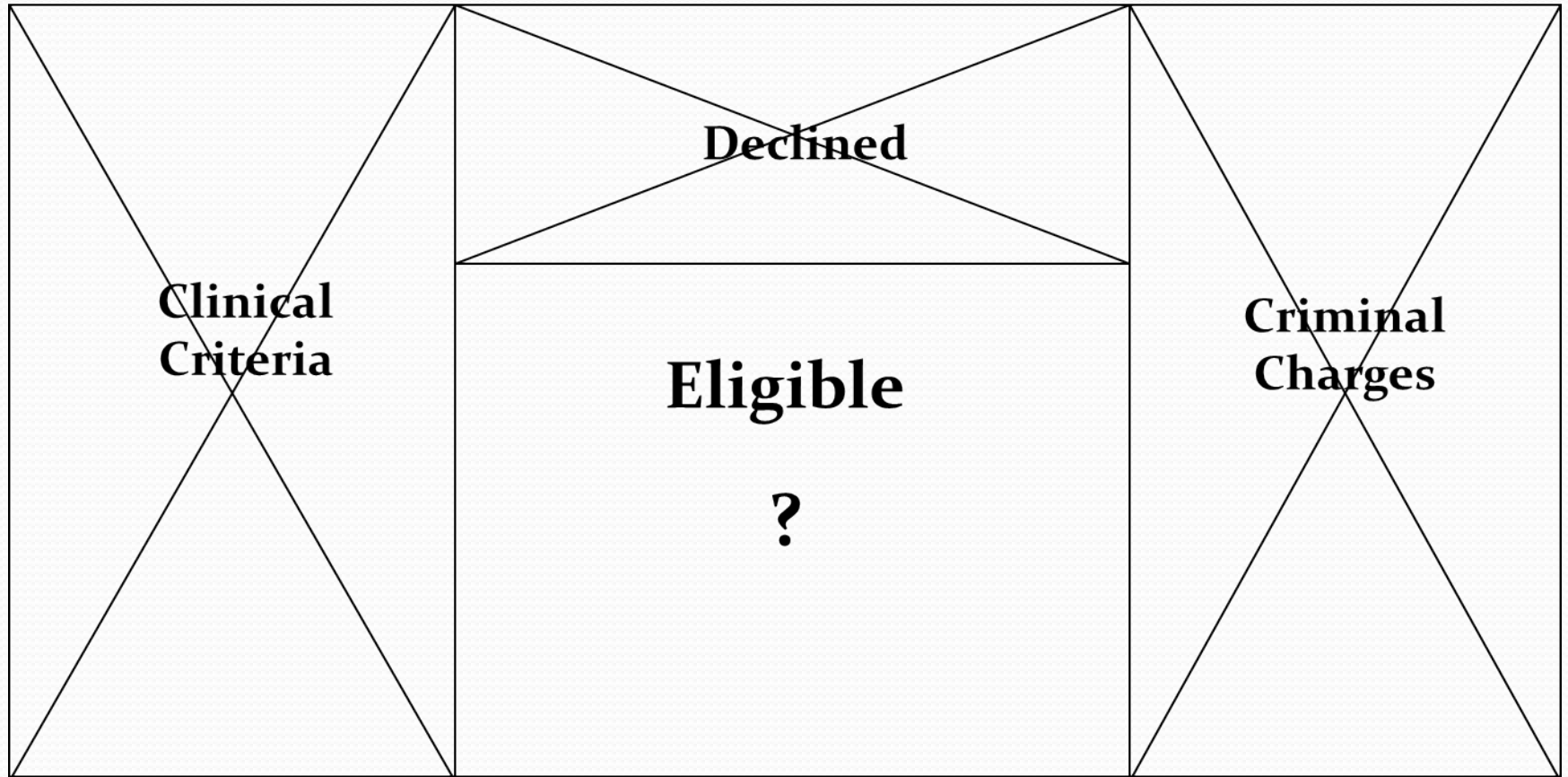
National Association of Counties: www.naco.org

Bazelon Center: www.bazelon.org

Relationship Quality in Probation

- Dual role relationship inventory (DRI)
- Caring + fairness, trust, and an authoritative (not authoritarian) style
- DRI predicts future rule compliance and relationship satisfaction

Mentally Ill Jail Detainees



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"MY CLIENT IS WILLING TO GO ON TALK SHOWS
AND SAY HE'S VERY SORRY."

RECOVERY

- Before I led a vagrant type lifestyle always moving around, staying with people, doing burglaries and prostitution. Now for the first time I have a place of my own with my girls. My one daughter is in college and my other daughter got her high school diploma. She has bi-polar like me so getting the high school degree was not an easy thing. Now I want to finish this program and show her I can do something with my life. Maybe I can be a role model for her.

Diane

Reentry Challenges

- Collateral Consequences
- Culture of Incarceration
- Stigma



- I was sentenced to 18 months probation, which I completed. Now I was a convicted felon my employment options almost disappeared and the apartments available were almost nonexistent.

Carolyn

GAINS Re-Entry Checklist

- Based on the APIC Model
- Developed to assist jails in transition planning for inmates with mental illness and co-occurring substance use disorders
- Quadruplicate form offers a centralized record of an inmate's potential needs and the steps taken by jail staff to ensure these needs are met upon re-entry
- Available at:

<http://www.gainscenter.samhsa.gov/html/resources/reentry.asp>

GAINS Re-Entry Checklist For Inmates Identified with Mental Health Service Needs					
Detainee's Name		Gender <input type="checkbox"/> M <input type="checkbox"/> F	Date of Birth	Today's Date	Jail ID #
Last	First		mo / dd / yy	mo / dd / yy	SSN#
Name of Facility	Name of Person Completing Form and Phone Number	Current Status <input type="checkbox"/> Pre-Trial Detainee <input type="checkbox"/> Sentenced Inmate	Date of Admission	Projected Release Date	
			mo / dd / yy	mo / dd / yy	
Potential Needs in Community After Release		Steps Taken by Jail Staff and Date(s)		Detainee's Final Plan & Contact Information for Referrals	
Mental Health Services <input type="checkbox"/>					
Psychotropic Medications <input type="checkbox"/>					
Housing <input type="checkbox"/>					
Substance Abuse Services <input type="checkbox"/>					
Health Care <input type="checkbox"/>					
Health Care Benefits <input type="checkbox"/>					
Income Support/Benefits <input type="checkbox"/>					
Food/Clothing <input type="checkbox"/>					
Transportation <input type="checkbox"/>					
Other <input type="checkbox"/>					
Final plan completed and discussed with detainee? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If no, why? <input type="checkbox"/> Detainee refused <input type="checkbox"/> Court released before plan completed <input type="checkbox"/> Incomplete for other reasons <input type="checkbox"/> Specify:					
Attachments? <input type="checkbox"/> Yes <input type="checkbox"/> No					
Facility Use					

Adaptations to Prison

Rotter, Larkin, Schare, Massaro, & Steinbacher, 1998

Fear and Vigilance	Medication refusal, Violence as a response to threat
Freedom Limited	I did my time, Hospital or Prison
Extortion, Gambling, Drug Trafficking and Use (wolfing)	Treating the hospital or residence program as an extension of prison; e.g., trading cigarettes and commissary
Transience	Lack of treatment involvement; does not engage with staff or other clients
Lack of Privacy	No eye contact; strict demands regarding personal space

Law Enforcement Responses

*“While being arrested for driving under the influence (DUI) a male officer was frisking me. My panic increased tenfold and I had an anxiety attack. The male officer blew it off as melodrama”
-Vicky*

- Law enforcement officers are often first responders to deal with individuals experiencing a behavioral health crisis or emergency
 - Complaint
 - Emergency Call
 - Dispatch/ 911

Trauma can me multigenerational

Mental illness& co-occurring substance abuse impacted my life before I was even born. My grandfather and his male descendants are antisocial, psychotic, ADHD, and alcoholic. This resulted in three generations of adoption placements in childhood & institutionalization in adulthood.

Vicki



Behavioral Health Specialized Interventions

- Police Friendly Services
- Drop-Off Centers
- Crisis Stabilization Unit
- Detoxification Unit



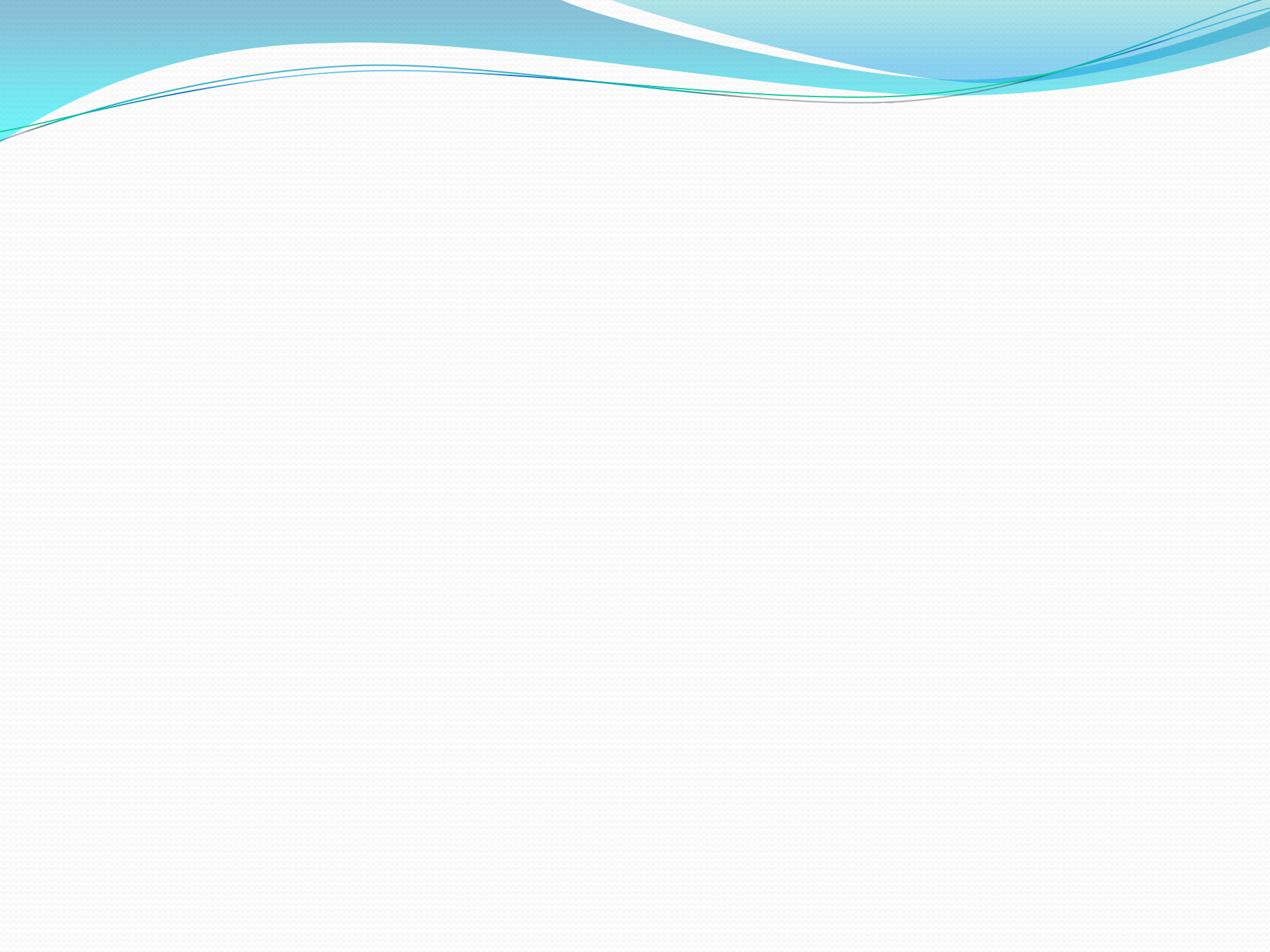
Nobody likes being arrested or in jail but for me it triggered my PTSD and mental illness. It was absolutely terrorizing.

- Since I had long hair and the solicitor politicized it, they charged me with two counts of murder for the accident. And I was put in forensic observation. The psychiatrist never asked me if I was hearing voices or who do you think you are or things that would have brought out my delusions. After 90 days they declared me sane

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GAINS/TAPA Study

N=900

WOMEN

- 96% lifetime trauma
- 74% current trauma

MEN

- 88% lifetime trauma
- 86% current trauma

Differences between genders is minimal

Trauma is not past, but ongoing

Trauma can start a criminal career

- My mother lost her life at the hands of my father during one of his many drunken violent rages. He served four years for manslaughter in prison. I had 4 DUI's and 5 counts of forgery. I believe much of this behavior was a result of my PTSD and manic behavior and increase in severity of my drug addiction.

Vicki

(The information was current as of: 06/04/2007 02:07 PST)

[Search For Another Inmate](#)

[Back To The Search Result](#)

Booking No.: 9818783 Last Name: HILTON First Name: PARIS Middle Name:

Sex: F Race: W Date Of Birth: 02/17/1981 Age: 26 Hair: BLN Eyes: GRN Height: 508 Weight: 115

Charge Level: M (Misdemeanor)

ARREST

Arrest Date: 06/03/2007 Arrest Time: 2315 Arrest Agency: 2101 Agency Description: LASD-CENTURY STATION PATROL

Date Booked: 06/03/2007 Time Booked: 2338 Booking Location: CEN Location Description: STA - CENTURY STATION

BAIL

Total Bail Amount: 0 Total Hold Bail Amount: 0.00 Grand Total: 0.00

HOUSING LOCATION

Housing Location: CRDF

Permanent Housing Assigned Date: 06/04/2007 Assigned Time: 0158 Visitor Status: N

Facility: CENTURY REGIONAL DETENTION FACILITY
Address: 11705 ALAMEDA STREET City: LYNWOOD

[Public Visiting Guidelines](#) [Facility Visiting Schedule](#)

For County facility visiting hours, Please call (213) 473-6080 at Inmate Information Center.

COURT

Next Court Code: Next Court Date: Next Court Time: 0000 Next Court Case:

Court Name:
Court Address: Court City:

RELEASE

Projected Release Date: 06/26/2007





**SANTA MONICA POLICE DEPARTMENT
TIMOTHY J. JACKMAN, CHIEF OF POLICE**

BOOKING PHOTO

BOOKING NUMBER: 000057
LAST NAME: LOHAN
FIRST NAME: LINDSAY
MIDDLE NAME: DEE
BOOKING DATE: 07/24/2007



BRIEF JAIL MENTAL HEALTH SCREEN

Section 1

Name: _____ <small>First MI Last</small>	Detainee #: _____	Date: ___/___/_____	Time: _____ AM PM
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Section 2

Questions	No	Yes	General Comments
1. Do you <i>currently</i> believe that someone can control your mind by putting thoughts into your head or taking thoughts out of your head?			
2. Do you <i>currently</i> feel that other people know your thoughts and can read your mind?			
3. Have you <i>currently</i> lost or gained as much as two pounds a week for several weeks without even trying?			
4. Have you or your family or friends noticed that you are <i>currently</i> much more active than you usually are?			
5. Do you <i>currently</i> feel like you have to talk or move more slowly than you usually do?			
6. Have there <i>currently</i> been a few weeks when you felt like you were useless or sinful?			
7. Are you <i>currently</i> taking any medication prescribed for you by a physician for any emotional or mental health problems?			
8. Have you <u>ever</u> been in a hospital for emotional or mental health problems?			

Section 3 (Optional)

Officer's Comments/Impressions (check *all* that apply):

- Language barrier
 Under the influence of drugs/alcohol
 Non-cooperative
 Difficulty understanding questions
 Other, specify: _____

Referral Instructions: This detainee should be referred for further mental health evaluation if he/she answered:

- YES to item 7; OR
- YES to item 8; OR
- YES to at least 2 of items 1 through 6; OR
- If you feel it is necessary for any other reason

Not Referred

Referred on ___/___/_____ to _____

Person completing screen _____

- I was lucky that I had a judge who believed in the Jail Diversion Project and not using the jails to warehouse the mentally ill. My case manager and counselor could talk to him. I was able to plead down a felony to trespassing and forgery which was a misdemeanor.

Leanne

SPECTRM

Incarceration as Cultural Adaptation




These walls are kind of funny. First you hate 'em, then you get used to 'em. Enough time passes, gets so you depend on them. That's institutionalized.

Adaptations to Prison

Rotter, Larkin, Schare, Massaro, & Steinbacher, 1998

Adaptations dictated by inmate code and environmental factors	The same behaviors are interpreted by staff as resistance
Do your own time	Lack of treatment involvement
Don't be a snitch	Don't talk to staff
Don't trust anyone	Don't engage with staff or other clients
Respect	Violent or threatening behaviors
Strength & Weakness	Medication refusal, Violent or threatening behaviors

- 
- I hope that my work as a Jail Diversion Program Consumer Representative can educate those out there dealing with mental illness and co-occurring substance abuse and decrease the trauma of others going through the system.

Vicki

- I mustered up the courage to go back to school, tried to find a decent place to live, and I also became a reliable employee. It was difficult, my one felony almost kept me out of school and it has prevented me from employment at many jobs.

Carolyn

- I was sorely depressed and I got on to this thing with shoplifting. I had done it successfully a couple of times and then I got caught. I went to court on misdemeanor charges with fines and I got bonded out.

Milton

LAW & ORDER

- <http://www.youtube.com/watch?v=xF3WfYakdoI>



Awaiting Arraignment





- In jail I found out that I had a mental illness. Getting to the Mental Health Clinic was not an easy task. I had to advocate for myself. My concern is the inmates on Riker's Island who can not advocate for themselves. I would like to be a part of their world coming from the opposite side. Not an inmate but as a Forensic Peer Specialist.

Courts

- Trial Courts of Limited Jurisdiction
 - Municipal/Police Court
 - Community Courts
 - Criminal Courts (County Courts)
 - Family Court
- Trial Courts of General Jurisdiction
- Appellate Court
- Supreme Court



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Behavioral Health Specialized Interventions

“In jail I found out that I had a mental illness. Getting to the Mental Health Clinic was not an easy task. I had to advocate for myself.”

-Linda

- Assessment
- Boundary Spanners
- Peer Specialists