



# **JUSTICE AND RECOVERY GUIDE**

**A PROJECT OF  
COMMUNITY ADVOCATES OF MONTGOMERY COUNTY  
AND  
NAMI PA OF MONTGOMERY COUNTY**

## **Acknowledgements**

Many organizations and individuals provided input as this guide was developed. We wish to thank them all, and apologize if we have omitted anyone. Our workgroup reviewed many other guides which served as models and sources of information and inspiration. Please see the Online Resources section at the end of this guide for links to selected guides from other organization and states.

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## **This Guide Does Not Contain Legal Advice**

This Guide is intended to provide introductory non-technical information about the Montgomery County, Pennsylvania criminal justice and mental health systems. It does not contain legal advice.

The Pennsylvania criminal justice system can vary considerably from county to county. Each jurisdiction can have distinct local police enforcement, laws, courts, jails, and post-incarceration services. Your city or county may determine whether criminal justice personnel are trained to handle mental health crisis or treatment, whether there is jail diversion at different points in the system, and what rules and structure apply in jail and other stages of the system. In addition, the types of available public psychiatric services, procedures for their access, and pertinent legal provisions also vary widely. All of the information in this guide will not be applicable to each specific jurisdiction. Please consult appropriate mental health, advocacy, and/or legal resources to learn about the applicable service mechanisms, procedures, and laws for the jurisdiction with which the person with mental illness has encountered.

# Justice and Recovery Guide

A resource guide for people experiencing justice related issues and mental illness

## Introduction

This guide is designed for anyone with a mental illness who may be involved in the criminal justice system or their family members or friends to provide information and resources to navigate the justice system that will help divert people from jail into treatment and support.

Frequently when individuals with mental illness get in trouble with the law it is a direct result of psychiatric symptoms. When this happens, the response should be a mental health response such as referral to crisis services, outreach or hospitalization, rather than a criminal justice response that could include filing charges, arrest and incarceration.

Unfortunately, for various reasons, many individuals end up arrested and incarcerated in jails or prisons. In an ideal world, with the best clinical practices in place, people with mental illnesses would rarely encounter the criminal justice system.

In Montgomery County, Pennsylvania, programs have been established to support people involved in the criminal justice system by building an infrastructure of diversion programs to help people stay out of jail and engage in treatment that promotes recovery.

The Sequential Intercept Model was developed by Drs. Mark R. Munetz and Patricia A. Griffin of the GAINS Center in Florida. It is a concept for communities to use which identifies points of interception in the criminal justice system where interventions can be made to prevent people with mental illnesses from going to jail because of their symptoms or to reduce the length of time individuals remain incarcerated.

The Sequential Intercept Model was used as a format for this guide, which is specific to Montgomery County. The model has five intercepts which will be explained in this guide. But before we proceed, we must define the Ultimate Intercept, that is, to have an accessible, comprehensive, effective mental health treatment system that would:

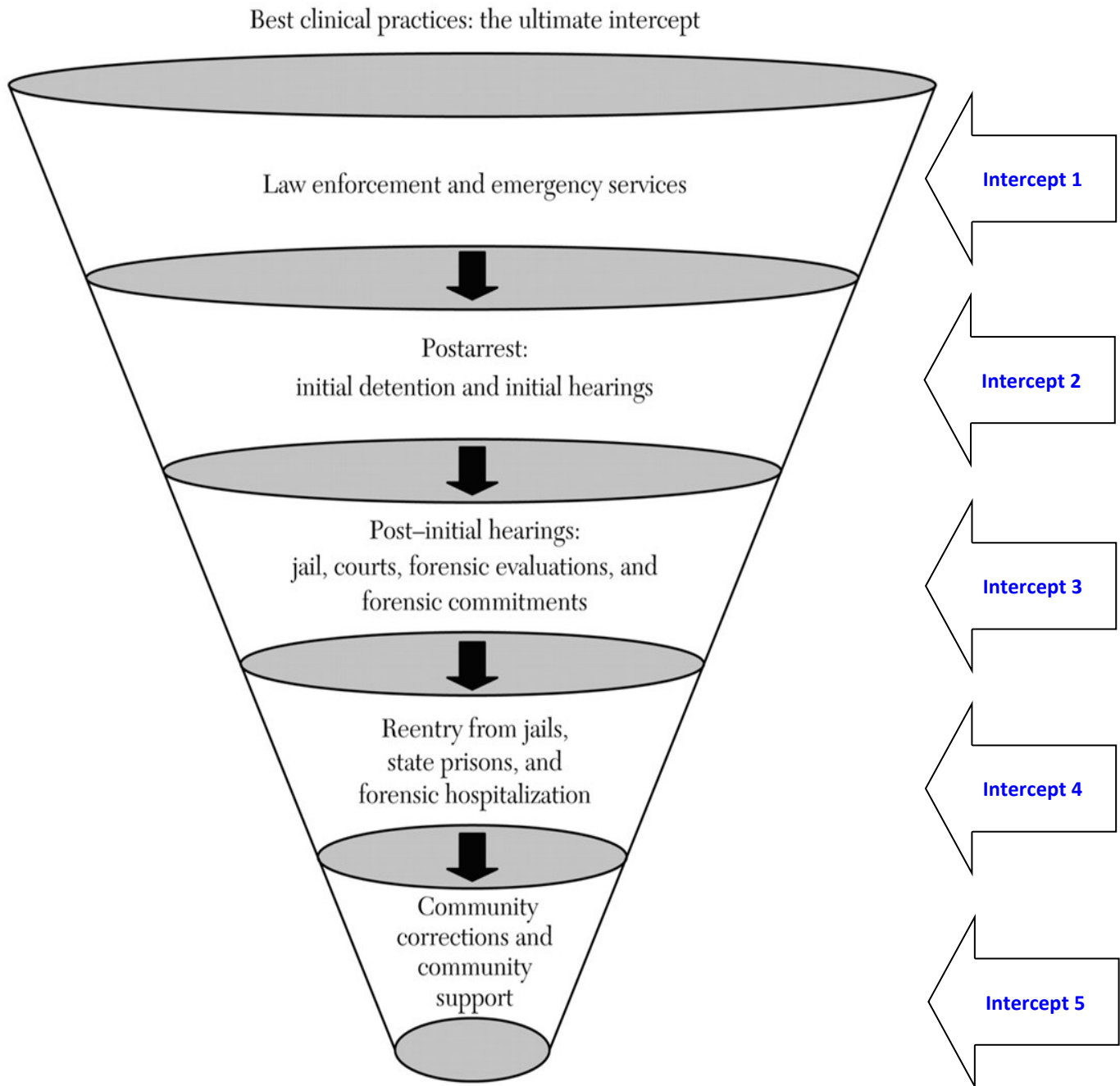
- Focus on the needs of individuals with serious and persistent mental challenges
- Have an effective base of services that includes competent, supportive clinicians
- Provide Community Support Services such as case management, medication, vocational, educational, peer support and other resources
- Provide safe and affordable housing
- Offer crisis services

If you are reading this guide then we assume that you may be in a crisis or know someone who is, and need assistance as soon as possible. With that in mind, we have created a “user friendly” guide that will provide quick reference information for assistance in a crisis or emergency. We have compiled an extensive list of resources and information for you to access and review when you have time to educate yourself about the more technical aspects of navigating the justice system and finding supports that will promote recovery.

*Disclaimer: This is not a substitute for legal advice.*

**Figure 1**

The Sequential Intercept Model viewed as a series of filters



Mark R. Munetz and Patricia A. Griffin  
*Use of the Sequential Intercept Model as an Approach to Decriminalization of People With Serious Mental Illness*  
Psychiatr Serv, Apr 2006; 57: 544 - 549.

# What to Do If You or a Loved One Encounters the Legal System

Quick Guide – Find the box which corresponds to where you are in the process. For more detail, go to the corresponding section below.

<p><b>Intercept 1</b></p> <p>Law Enforcement &amp; Emergency Services</p> <p>Police or emergency services are needed or have been called. You may be about to be arrested, have just arrived at the police station or jail, or are at MCES.</p> <p><b>CALL</b></p> <ul style="list-style-type: none"> <li>• MCES 610-279-6100 or (800) 452-4189</li> <li>• 911 – ask for an officer with special training in mental illness</li> <li>• A friend or family to let them know where you are</li> <li>• Access Mobile Crisis Support 855-634-4673</li> </ul> <p><b>DO</b></p> <ul style="list-style-type: none"> <li>• Be polite and respectful</li> <li>• Follow instructions</li> <li>• Keep your hands where they can be seen</li> <li>• Do not struggle with police</li> <li>• Exercise your right to remain silent</li> </ul> <p><b>See Section 1 for more information.</b></p>	<p><b>Intercept 2</b></p> <p>Initial detention &amp; court hearing</p> <p>You have been arrested, are in detention, at a mental health facility or released on bail facing a hearing.</p> <p><b>CALL</b></p> <ul style="list-style-type: none"> <li>• Community Advocates 610-270-0375</li> <li>• Public Defender 610-278-3295</li> <li>• Montgomery County Bar Assn. 610-279-9660</li> <li>• NAMI 215-361-7784</li> <li>• MCES Justice Related Services 610-279-6100</li> <li>• BHC &amp; VC Coordinator 610-324-4902</li> </ul> <p><b>DO</b></p> <ul style="list-style-type: none"> <li>• Get legal advice</li> <li>• Talk with recovery coach or therapist if you have one</li> <li>• Enlist help and support of peers, family, clergy, others</li> <li>• Contact advocates to discuss options</li> </ul> <p><b>See Section 2 for more information.</b></p>	<p><b>Intercept 3</b></p> <p>Jail, Court, Forensic Evaluation &amp; Hospitalization</p> <p>You are in jail, committed to a hospital or in the community waiting for a court hearing.</p> <p><b>CALL</b></p> <ul style="list-style-type: none"> <li>• Social worker at jail or hospital</li> <li>• Call BHC &amp; VC Coordinator 610-324-4902</li> <li>• Community Advocates 610-270-0375</li> </ul> <p><b>DO</b></p> <ul style="list-style-type: none"> <li>• Follow instructions</li> <li>• Learn about resources that can help you</li> <li>• Join groups at jail or hospital</li> <li>• Enlist help of family and friends</li> <li>• Contact advocates to discuss options</li> <li>• Contact Court Administrator’s Office 610-278-3224</li> </ul> <p><b>See Section 3 for more information.</b></p>	<p><b>Intercept 4</b></p> <p>Re-entry</p> <p>You have been or will be released to the community.</p> <p><b>CALL</b></p> <ul style="list-style-type: none"> <li>• Benefits such as Social Security Office, Welfare Office</li> <li>• County Assistance Office</li> <li>• Community Advocates 610-270-0375</li> <li>• NAMI 215-361-7784</li> </ul> <p><b>DO</b></p> <ul style="list-style-type: none"> <li>• Enroll in benefits</li> <li>• Meet with probation officer</li> <li>• Follow conditions of release</li> <li>• Find peer support</li> <li>• Join support groups</li> <li>• Secure safe and supportive housing</li> </ul> <p><b>See Section 4 for more information.</b></p>
<p><b>Intercept 5</b></p> <p>Community Corrections/Community Support</p> <p>You are back in the community. What to do in a crisis:</p> <p><b>CALL</b></p> <ul style="list-style-type: none"> <li>• Access Mobile Crisis Support 855-634-4673</li> <li>• Therapist or doctor</li> <li>• Peer Specialist</li> <li>• Recovery Coach</li> <li>• Peer Talk Line 855-715-8255</li> <li>• Advocates</li> <li>• NAMI</li> </ul> <p><b>DO</b></p> <ul style="list-style-type: none"> <li>• Develop a crisis plan</li> <li>• Have a support network</li> <li>• Consider a WRAP</li> <li>• Join support groups</li> <li>• Volunteer</li> <li>• Find a job</li> <li>• Go to school</li> <li>• If needed, go to a hospital</li> </ul> <p><b>See Section 5 for more information.</b></p>	<p><b>Community</b></p>	<p><b>Legal System</b></p>	<p><b>Community</b></p>



# CRISIS

“Crisis is a perception or experiencing of an event or situation as an intolerable difficulty that exceeds the person’s current resources and coping mechanisms. Unless the person obtains relief, the crisis has the potential to cause severe affective, behavioral, and cognitive malfunctioning.”

(James, Richard K. Crisis Intervention Strategies 6<sup>th</sup> edition, 2008)

Crisis is an unfortunate part of the human experience and is experienced differently by each person. Most crisis situations can be resolved with the help of natural supports (family, friends, spiritual and other community supports) or the help of mental health professionals (psychiatrists, counselors, mobile crisis) and peer support.

If there is not appropriate intervention, a crisis can become a ***Psychiatric Emergency***, which involves immediate danger to self and/or others. In the event of immediate danger, you should call 911!



# SECTION 1

# LAW ENFORCEMENT AND EMERGENCY SERVICES



# SECTION 1: LAW ENFORCEMENT AND EMERGENCY SERVICES

## This section is based on Sequential Intercept Model #1

Pre-arrests diversion programs are the first point of interception. Even in the best mental health systems, some people with serious mental disorders will come to the attention of the police. Research has shown that since deinstitutionalization police have played an increasingly important role in managing individuals in crises. Police are often called first in response to a mental health crisis.

Accordingly, law enforcement is a crucial point of interception to divert individuals with mental illness from the criminal justice system.

(\*From Psychiatric Services, April 2006, Vol. 57 No. 4)

### Where might you find yourself?

- Encountering police and facing possible arrest
- Montgomery County Emergency Services (MCES) in Norristown, PA
- Montgomery County Correctional Facility (MCCF) in Eagleville, PA
- Local township or borough jail

#### Local options to call for help

Don't let it get to the point of being an emergency. You can call Adult Mobile Crisis to talk through the issues. See section 5 for information on crisis services.

<p align="center"><b>Adult Mobile Crisis</b>  <b>24 Hour/7 Days a Week</b>  <b>1-855-634-4673</b></p>	<p align="center"><b>911</b>  <b>Ask for an officer with special training in mental illness</b></p>
<p align="center"><b><u>When to Call Adult Mobile Crisis</u></b></p> <ul style="list-style-type: none"> <li>• When the person is suicidal</li> <li>• Early warning signs of crisis, which are different for each person – see below</li> <li>• Also see section 5 for Adult Mobile Crisis information</li> </ul>	<p align="center"><b><u>When to Call 911</u></b></p> <ul style="list-style-type: none"> <li>• The person has a weapon</li> <li>• The person took an overdose</li> <li>• Any time there is imminent danger</li> </ul>

### Examples of Early Warning Signs of Crisis

- Neglecting personal hygiene
- Extreme mood swings
- Self-destructive, abusive or violent behavior
- Criminal activities
- Threatening suicide or acting suicidal
- Not getting out of bed at all
- Refusing to eat or drink

**Refer to Section 5 for more signs**

## SECTION 1: LAW ENFORCEMENT AND EMERGENCY SERVICES

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### DO

- **Keep your hands where they can be seen at all times.** Do not put your hands in your pockets unless you are instructed to do so.
- If you are holding an object such as a cell phone, wallet, bottle or other article, drop it immediately. **DO NOT try to put it in your pocket.**
- **Do not struggle with a police officer.** This could be seen as an attempt at resisting arrest or assaulting a police officer – both of which are serious charges.
- Follow any instructions that are given and do not get caught up in the heat of the moment.
- **Be polite and respectful** to the police officer(s) whenever speaking to them.
- **Exercise your right to remain silent.** If the police insist that you give them information, ask to speak to a lawyer. Once you have asked for a lawyer, the police are required to stop asking you questions.

**IMPORTANT:** People who commit suicide in jail usually do so in the first couple of days, so notifying jail staff that an individual may be suicidal could save the person's life.

### What are your options? What might happen next?

Diversion	—————>	Criminal charges are avoided
Citation	—————>	Least serious charge, summons to appear in court or pay a fine
Diversion to treatment	—————>	In order to avoid charges, must agree to get treatment
No charges	—————>	Case is dismissed
201	—————>	Voluntary commitment to inpatient hospital
302	—————>	Involuntary commitment to inpatient hospital
Charges/bail	—————>	Charges are brought, and person is released by paying bail
Charges/detention	—————>	Charges are brought, and the person is incarcerated

We will review these options starting with the least serious– diversion. But before we do, we must first have a basic understanding of the seriousness of the charges.

### Charges

If you, your family member or friend is charged with a crime, it will fall into three major categories:

- A summary – least serious crime
- A misdemeanor – a less serious crime with little or no jail time, or
- A felony – a serious crime with sometimes lengthy jail or prison time.

## SECTION 1: LAW ENFORCEMENT AND EMERGENCY SERVICES

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### The police will have several options.

1. In a misdemeanor crime in which there was no physical injury, the police can warn the individual that is disturbing the peace and not take further action. Whether or not the police let the individual go with a warning at this point will likely be decided by how well he is known to the police for incidents of this type and how threatening he seems to be toward the victim.
2. The second option of the police is to take the individual into custody and take him to mental health authorities for examination and possible involuntary civil commitment. In this instance, there is no actual arrest made, although the individual is effectively taken into custody. This option will probably result in the individual being confined to Montgomery County Emergency Services (MCES) – for 24 to 72 hours. After that evaluation, the individual may well be released back into the community with no further legal obligation to receive treatment. The police will not exercise this option in the case of a felony crime.
3. The third option of the police is to issue the individual a citation to appear in court at a later date, but not make an actual arrest. This is a less likely option because, if the police were not going to remove the individual from the scene, they would probably let him go with a warning. In the felony case, the police will not let the individual go with a warning or a citation.
4. The last option for the police is to arrest the individual and transport him to the police station. In the misdemeanor case, the individual will likely be arrested if the nature of his actions are disturbing or to remove the threat to the victim. In the case of the felony crime, the individual will almost certainly be arrested.

### Understanding What Police Can and Cannot Do

Remember, police are not mental health professionals. First and foremost, they are public safety officers trained to control a scene, intervene quickly, resolve safety issues and be available for the next call.

Officers are trained to preserve their own safety and the safety of bystanders. In a crisis even the best trained officers will use the force necessary to reduce any perceived threats.

The police department can also flag your address, with your permission, so that officers who may have to respond to any incident at your home can be prepared in advance to assist while trying to avoid an escalation of the crisis.

**TIP:** Don't assume just because the police have arrived or the person has been taken into custody that it's too late to do something. Police have broad discretion in deciding who to arrest, who to hospitalize, and who to let go.

If someone you care about is in a situation where they could get arrested, and you are fortunate enough to be there, ask the police to not arrest the person. Be assertive without making the police feel that you do not respect their authority.

Say something like, "I know he shouldn't have done that, but he just needs to get his medication. I'll come with him – can you drive us to the hospital?" Even after an arrest has occurred, you may be able to get the person in effect "un-arrested." Find out where the person is being held and go there, or call if you can't go. Talk to the police and ask if they can drop the charges or, if not, at least let the person out to come back to court later.

# SECTION 1: LAW ENFORCEMENT AND EMERGENCY SERVICES

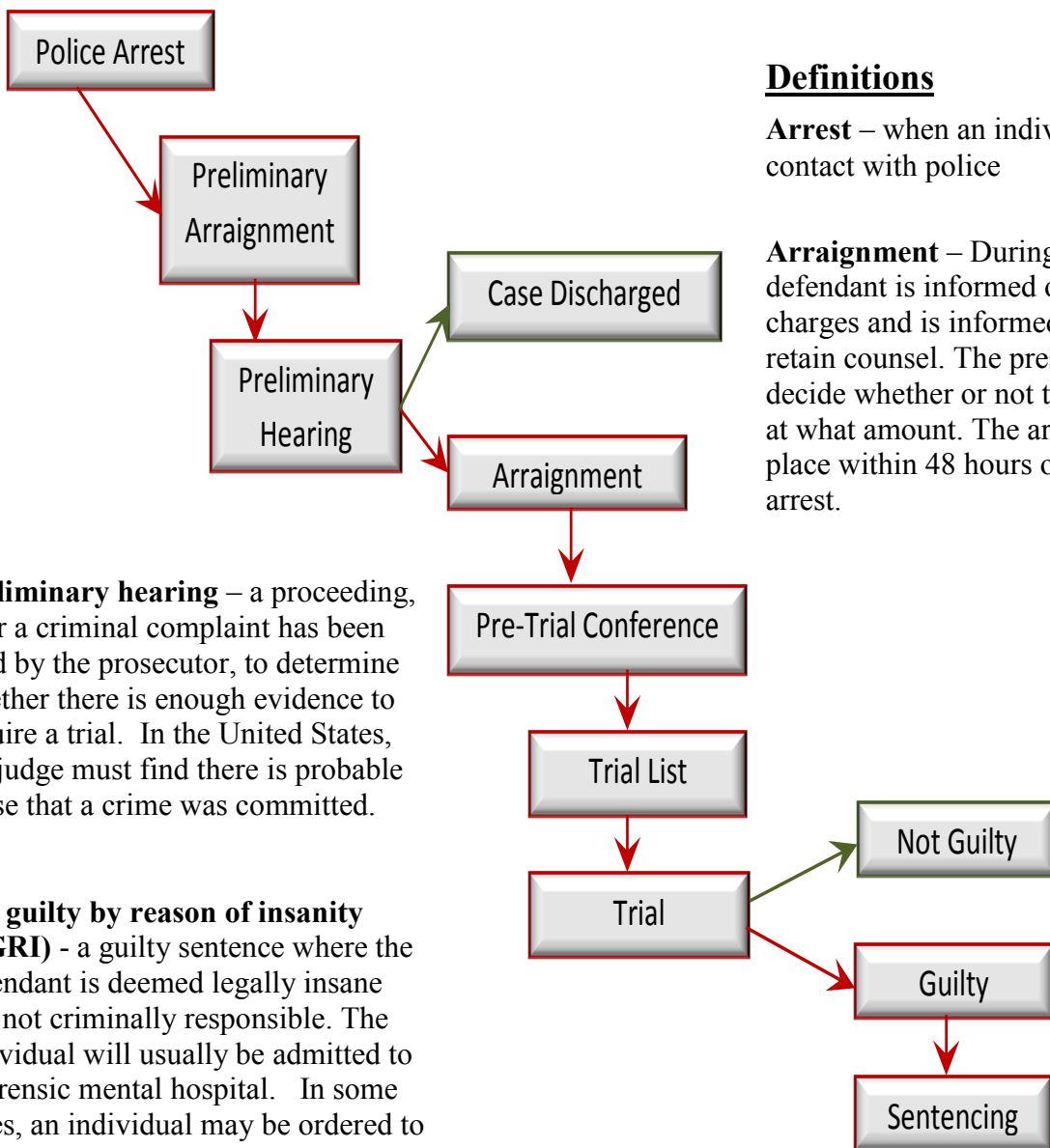
## Important things to remember:

Police most likely will give you multiple charges for the incident. This is standard practice and more than likely one or more will be dropped. This is done to increase the likelihood of the prosecutor's success. You, your family member, or an advocate should communicate with your lawyer that some or all of the charges were a direct result of symptoms. You may be able, with the help of your lawyer, to get all the charges dropped in lieu of treatment or be diverted to the behavior health court.

If the charges involve assaulting an emergency personnel, doctor, or police, etc...the charges could be raised to an aggravated assault which is a felony.

You, your family member, or an advocate should realize that it is possible for a felony to be dropped or lowered to a misdemeanor.

## Montgomery County's Criminal Proceedings Flow Chart:



### Definitions

**Arrest** – when an individual has his/her first contact with police

**Arraignment** – During an arraignment, the defendant is informed of any pending legal charges and is informed of his or her right to retain counsel. The presiding judge will also decide whether or not to set bail, and, if so, at what amount. The arraignment must take place within 48 hours of the individual's arrest.

**Preliminary hearing** – a proceeding, after a criminal complaint has been filed by the prosecutor, to determine whether there is enough evidence to require a trial. In the United States, the judge must find there is probable cause that a crime was committed.

**Not guilty by reason of insanity (NGRI)** - a guilty sentence where the defendant is deemed legally insane and not criminally responsible. The individual will usually be admitted to a forensic mental hospital. In some cases, an individual may be ordered to undergo outpatient treatment.

## SECTION 1: LAW ENFORCEMENT AND EMERGENCY SERVICES

<p><b>Preliminary Arraignment Magisterial District Judge</b></p>	<p>Occurs without unnecessary delay (within 48 hours)</p> <p>⇒ Initial bail is set</p> <ul style="list-style-type: none"> <li>• Purpose is to ensure defendant returns for trial             <ul style="list-style-type: none"> <li>◆ Homicide and when maximum sentence is life, no bail set</li> </ul> </li> <li>• Bail Conditions imposed</li> <li>• Informed of charges</li> <li>• Informed of right to attorney             <ul style="list-style-type: none"> <li>◆ Attorneys are not usually present at Preliminary Arraignment</li> </ul> </li> <li>• Date of Preliminary Hearing is set</li> </ul>
<p><b>Preliminary Hearing Magisterial District Judge</b></p>	<p>Public hearing on the evidence. Commonwealth must establish a “<i>prima facie</i>” case, in other words, if all that is said and/or presented is true the case will be “held for trial”. This is a very low legal standard.</p> <div style="display: flex; align-items: center;"> <div style="margin-right: 20px;"> <p>Outcome of Hearing</p> <pre> graph LR     A[Outcome of Hearing] --&gt; B[• Waiver]     A --&gt; C[• Case held for court]     A --&gt; D[• Dismissal of charge(s)]             </pre> </div> <div> <ul style="list-style-type: none"> <li>• Waiver             <ul style="list-style-type: none"> <li>◆ Defendant may relinquish their right to a hearing</li> </ul> </li> <li>• Case held for court             <ul style="list-style-type: none"> <li>◆ Moves to Court of Common Pleas in Norristown</li> <li>◆ Formal arraignment date provided</li> </ul> </li> <li>• Dismissal of charge(s)             <ul style="list-style-type: none"> <li>◆ No prima facie case found</li> <li>◆ Judge can dismiss some or all of the charges</li> </ul> </li> </ul> </div> </div>
<p><b>Court of Common Pleas</b> P.O. Box 311, Courthouse, Norristown, PA 19404</p>	<p>The Montgomery County Court of Common Pleas is a general jurisdiction Trial Court. The Court is comprised of nearly two dozen Judges. These Judges process various types of cases which include Criminal and Civil Cases, Domestic Relations, Custody and General Hearings, Protection From Abuse (PFA) and Children and Youth hearings. Eight Judges are assigned to the criminal division.</p> <ul style="list-style-type: none"> <li>• Judges are elected / retained for 10 year terms.</li> <li>• The President Judge is elected by his or her peers for a five year term.</li> </ul>
<p><b>District Attorney’s Office</b> Risa Vetri Ferman, District Attorney P.O. Box 311, Courthouse, Norristown, PA 19404</p>	<ul style="list-style-type: none"> <li>• Elected to a 4 year term</li> <li>• Assistant District Attorneys: 45 full-time</li> <li>• District Attorney prosecutes individuals and reports to the people</li> </ul>
<p><b>Public Defender’s Office</b> Keir Bradford-Grey, Chief Public Defender P.O. Box 311, Courthouse, Norristown, PA 19404</p>	<ul style="list-style-type: none"> <li>• Public defender is appointed by County Commissioners</li> <li>• Assistant Public Defenders: 21 full-time and 15 part-time</li> <li>• Public Defenders represent indigent criminal defendants upon application</li> </ul>

# SECTION 1: LAW ENFORCEMENT AND EMERGENCY SERVICES

<p>Formal Arraignment</p>	<ul style="list-style-type: none"> <li>• Court of Common Pleas – Norristown             <ul style="list-style-type: none"> <li>◊ Informed of charges</li> <li>◊ Informed of rights: motions and Deadlines</li> <li>◊ Waiver: with an acknowledgement of rights</li> </ul> </li> <li>• Pleads Guilty or Not Guilty</li> <li>• Next event – Pre-Trial Conference or Diversionary Hearing</li> </ul>
<p>Pre-Trial Conference</p>	<ul style="list-style-type: none"> <li>• With Judge assigned to case</li> <li>• Not a record hearing – no evidence presented</li> <li>• Attempt to resolve case – determine next step</li> <li>• If Guilty Plea – may take place immediately</li> <li>• If Trial - scheduled for later date</li> </ul>
<p>Trial Court of Common Pleas</p>	<ul style="list-style-type: none"> <li>• ARD / Diversionary Hearing</li> <li>• Guilty Plea             <ul style="list-style-type: none"> <li>◊ Negotiated Plea</li> <li>◊ Open Plea</li> </ul> </li> <li>• Dismissal, sometimes called Nolle Prosequi (Latin for “do not prosecute”)</li> <li>• Trial (1%-2% of all dispositions)             <ul style="list-style-type: none"> <li>◊ Jury Trial (jury determines facts / what happened)</li> <li>◊ Bench Trial / Non-jury Trial</li> <li>◊ Found Not Guilty</li> <li>◊ Found Guilty (“beyond a reasonable doubt” standard)                 <ul style="list-style-type: none"> <li>* Sentencing (pre-sentence investigation report where Sentence one year or longer)</li> </ul> </li> <li>◊ Within 180 days when incarcerated (this can be waived)</li> <li>◊ Within 365 days when not incarcerated</li> </ul> </li> </ul>
<p>Sentencing</p>	<p>Sentencing Guidelines are used to determine the range of sentence that a judge may impose upon a given defendant. Conviction for certain crimes will result in mandatory minimum sentences of incarceration.</p> <ul style="list-style-type: none"> <li>• Pre-sentence investigation report may be ordered when sentence is one year or longer</li> <li>• Sentencing occurs within 90 days of conviction</li> <li>• Mandatory sentencing, for example:             <ul style="list-style-type: none"> <li>◊ Drug related offenses are different from alcohol related offenses</li> <li>◊ Sex related offenses</li> <li>◊ Weapons offenses</li> </ul> </li> </ul>

Notes for Intercept # 1:

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## **SECTION 2**

# **INITIAL DETENTION & COURT HEARING**

## SECTION 2: INITIAL DETENTION & COURT HEARING

This section is based on Sequential Intercept Model #2

Even with optimal mental health service systems and effective pre-arrest diversion programs, some individuals will be arrested. Depending on the nature of the crime, some individuals may be diverted to treatment instead of prosecution or incarceration. Post-arrest diversion efforts in Montgomery County include county employees, provider agency staff, advocates and peer specialists who work to identify individuals who are eligible for diversion. Individuals will be assessed in jail and recommendations will be made to the court about diversion options, such as Behavioral Health Court. See below for a list of diversion possibilities.

### Where might you find yourself?

You are facing charges and court dates. The last section showed you the flow of criminal procedures in Montgomery County.

#### Diversion possibilities:

- Probation
- In-patient treatment (voluntary or involuntary)
- Diverting to Behavioral Health Court
- Court Ordered Outpatient Treatment
- Crisis Residential Program
- Out on Bail
- Charges dropped
- Diverting to Drug Court
- Diverting to Veterans Court

**TIP:** If you have a mental illness, jail is not the place to get treated, so you should focus on diversion from the Criminal Justice System to Mental Health Treatment or to Behavioral Health Court. Be assertive. To make diversion work, you and/or your family should be prepared to take action. The more active you are, the greater the chances you will have for diversion.

#### Local options to call for help

- **Community Advocates of Montgomery County—610-270-0375**, provides forensic peer advocacy - peers promoting self-advocacy in justice related issues
- **Attorneys:** ask for an attorney who is experienced in mental health.
  - ◇ **Public Defenders Office—610-278-3295**, keep in mind that Public Defenders have heavy case loads and you may not be able to speak to them until you go to court
  - ◇ **Montgomery County Bar Association – 610-279-9660**
- **National Alliance on Mental Illness (NAMI) - 215-361-7784** – can provide support for families
- **MCES—610-279-6100**, MCES has dedicated resources, Montgomery County Justice Related Services Department, to help people get out of jail and into treatment
- **Mental Health Treatment Services**

**Keep in Mind:** The seriousness of the crime will impact the likelihood of getting diverted. But remember that charges may be lessened or dropped. As we noted in Intercept #1, police most likely will give you multiple charges for the incident. This is standard practice and more than likely one or more will be dropped. This is done to increase the likelihood of prosecutor's success.

**TIP:** If you aren't diverted, contact Community Advocates or the Court Administrator's Office at 610-278-3224.



## SECTION 2: INITIAL DETENTION & COURT HEARING

**Keep in mind:** A court date is not a guarantee that you will be seen by the court. Hearings are often continued or postponed. You might not be notified of these changes. On court day, you may go to a holding cell for hours. Be prepared for delays.

### DO

- Make sure you show up for court. Failure to do so will result in a bench warrant and arrest.
- Avoid calling District Attorney's office or judge or sending letters.
- Notify jail staff if an individual may be suicidal. People who commit suicide in jail usually do so in the first couple of days. That could save the person's life.

### Stages of diversion definitions:

- 1) **Probation** is the supervision of a criminal offender by a probation officer. During the period of supervision, the offender must regularly report to the probation officer and must not commit any further offenses.
- 2) **In-Patient treatment** is when someone is receiving treatment at a hospital or facility and is staying there for a period of time.
- 3) **Diverting to Behavior Health Court** is when an individual admits guilt to a crime (usually not serious) and upon completing requirements of court, the person's charges are dropped or lowered in severity. This process can take up to two years.
- 4) **Court ordered outpatient treatment** is when an individual is receiving mental health services usually during the day at a provider agency.
- 5) **Crisis residential program** is an alternative to hospitalization in a home-like setting where an individual feels safe and comfortable while receiving treatment and support.
- 6) **Out on bail** is an accused person's temporary release from custody and to guarantee that person's appearance in court at a later date. If the person fails to appear in court on the date set, the money is forfeited and a bench warrant is issued.
- 7) **Charges dropped** — when the criminal charges are dismissed.

### Things to Remember for court:

1. Be respectful when addressing the judge, attorney, and police.
2. Dress well for court: proper attire.
3. Don't interrupt judge when he/she is talking.
4. Have written down important questions to ask lawyer.
5. Ask if charges can be dropped or diverted to Behavior Health Court, or treatment. Take someone with you to court for support.
6. Ask for clarification if you don't understand legal jargon or abbreviation.
7. Restate the point of what's being said to confirm understanding.
8. Turn off cell phones.
9. Be calm—Control your emotions.

## SECTION 2: INITIAL DETENTION & COURT HEARING

**Most criminal cases are disposed of through a plea bargain. Ninety percent of cases are settled out of court.**

A plea bargaining can take place at any point in a criminal case, even before charges have been filed. This involves negotiations between the prosecution and defense to reach a disposition of the case agreeable to both sides. Most criminal cases are disposed of through a plea bargain rather than through a trial.

Whether or not a plea bargain can be arranged depends on the attitudes of the defendant and the prosecution. In a highly publicized case, the prosecution may be less willing to bargain than in a case that has had little attention in the press. For the offender, a plea bargain can achieve the goals of avoiding incarceration and assuring treatment. A plea bargain may include specific elements, such as recommended sentence and place of confinement.



### **Prisoners' Rights to Medical Treatment Including Psychiatric Medication**

All persons incarcerated in jails and prisons in the United States have a right to appropriate medical care. This right is guaranteed by the due process clause and the Eighth Amendment of the U.S. Constitution and has been determined to apply to the treatment of people with mental illness. However, this right arises only when a "serious medical need" for treatment exists.

Accordingly, it is very important for the families of incarcerated persons with mental illness to demonstrate that the incarcerated individual has a "serious medical need" so that the jail or prison will be obligated to treat the mental illness.

The jail or prison setting is often not conducive to accurate observations and diagnosis of persons with mental illness. People who are quiet and don't ask for help or who don't admit they have a problem can suffer with their illness in jail for a long time. This right only guarantees enough treatment to alleviate acute symptoms of mental illness.

It is critically important for family members to inform correctional officials as soon as possible about their family member's history of mental illness and his or her specific treatment requirements. In particular, jail and prison officials should be immediately informed of any suicidal behavior of the person incarcerated or any reason to believe that the person may be suicidal.

At the pre-trial stage, these efforts should focus on communicating information to the county jail through one of the following:

- Sean McGee, Assistant Warden (610-635-7113)
- Gary Chesney, Director of Inmate Services (MCCF – 610-635-7239)
- William Washington of Justice Related Services at MCES (610-279-6100)
- Anthony Garcia and JB Brooks, Forensic Advocates and Certified Peer Specialists (Community Advocates – 610-270-0375).

After conviction and sentencing, family members of the inmate with mental illness should communicate with the prison warden, assistant warden or the director of Inmate Services at the jail or prison. Treating psychiatrists or other mental health providers who were involved in the inmate's treatment in the community prior to incarceration can be very helpful in communicating this vital information. And, as stated earlier in this guide, it is very important to communicate information about mental illness and the need for treatment to the parole officer responsible for presentencing reports as well as to the sentencing judge, but only on the advice of the defendant's attorney.

## SECTION 2: INITIAL DETENTION & COURT HEARING

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Family members are advised to inform prison officials that their relative has a mental illness, what their symptoms are and what they need for support.

### Negotiation Tips:

- Lead with the strongest part of your argument.
- Focus on possible outcomes not complaints.
- Control your emotions.
- Have in mind a deal you are willing to accept.
- Ask for the chance to offer additional information.
- Restate any actions/decisions decided upon.
- Set a timeline for action.
- Be prepared to walk out without a deal or plea bargain.
- Practice negotiating with friends or support groups.

### Preparing for court:

- Prepare in advance-write down the court date once it's scheduled.
- Ask for information that will help you prepare.
- Find a friend, family member or advocate to go with you — don't go it alone, especially when meeting with lawyers. Having someone with you will help you remember things.
- Think hard about what could happen at court. What do I want to happen? What could happen as a result of the court hearing?

### Notes for Intercept #2:

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## **SECTION 3**

# **JAIL COURT FORENSIC EVALUATION & HOSPITALIZATION**

## SECTION 3: JAIL, COURT, FORENSIC EVALUATION & HOSPITALIZATION

### This section is based on Sequential Intercept Model #3

Studies have shown that jail inmates with serious mental illness are likely to spend significantly more time in jail than other inmates who have the same charges but don't have mental illness. Prompt access to quality treatment in the jail is critical to help a person recover and make plans to transition into the community. Montgomery County offers a Behavioral Health Court which limits incarceration, by diverting an individual from jail into treatment. The Court focuses on problem-solving strategies and linkage to community treatment to help individuals avoid re-offending and re-incarceration. Justice Related Services staff and Community Advocates work inside the jail to identify individuals for diversion programs.

#### Where might you find yourself?

- Common Pleas Court – facing trial at the courthouse in Norristown
- Behavioral Health Court – in a diversionary court after having pled guilty
- MCES
- Norristown State Hospital Forensic Center (Bldg. 51)
- Jail
- Released on bail awaiting trial



#### Local options to call for help

- Community Advocates of Montgomery County-610-270-0375, provides forensic peer advocacy - peers promoting self-advocacy in justice related issues
- Attorneys: ask for an attorney who is experienced in mental health.
  - Public Defenders Office-610-278-3295, keep in mind that Public Defenders have heavy case loads and you may not be able to speak to them until you go to court
  - Montgomery County Bar Association – 610-279-9660
- National Alliance on Mental Illness (NAMI)-215-361-7784 – can provide support for families
- MCES-610-279-6100, MCES has dedicated resources, Montgomery County Justice Related Services Department, to help people get out of jail and into treatment
- Patient Advocate at Norristown State Hospital (610-313-1000, ask for a Patient Advocate)
- Mental Health Center / Recovery Coach (if you have one)
- Court Administration's office—610-278-3224

#### DO

- Remain hopeful – you can be diverted at any of these stages. There are programs and services available.
- Get yourself into treatment and out of the criminal justice system. Jail is not the place to be for treatment!

## SECTION 3: JAIL, COURT, FORENSIC EVALUATION & HOSPITALIZATION

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### **If You Are Facing Trial in the Common Pleas Court**

You should definitely seek legal counsel if you haven't already. You can hire a private attorney if you have the money to pay for one. If you don't have enough money to pay for a private attorney, or if you are incarcerated, you may qualify for a Public Defender. The Public Defender's Office represents people who qualify at no charge. You may contact the Public Defender's Office in Norristown (610-278-3295) to see if you qualify. It will be important for you and/or your family to give as much information as possible about your illness and the situation to your attorney or Public Defender, and work to get the case transferred to Behavioral Health Court or use the Plea Bargain process in the pre-trial conferences to reduce charges. Review the information in Intercept 2.

*It's possible that through a court order or a plea bargain that you will get probation. See Intercept 4 for more information. (section 4, page 27)*

### **Behavioral Health Court**

The mission of the Behavioral Health Court (BHC) is to enhance public safety and reduce recidivism of criminal defendants with serious mental illness by connecting them with community treatment services and supports and to find appropriate dispositions to their criminal charges by considering the defendant's mental illness and the seriousness of the offense.

#### **To be eligible for the Behavioral Health Court:**

- The defendant must be a resident of Montgomery County, PA
- The defendant must be 18 years of age or older.
- The defendant must have a serious mental illness (SMI) diagnosis (schizophrenia, major mood disorder, psychosis not otherwise specified (NOS), borderline personality disorder) that contributed to the criminal behavior.
- Defendants with co-occurring disorders (mental health and substance abuse) will be evaluated for BHC if they meet the criteria for serious mental illness.
- The Court prefers to address non-violent offenses but other crimes will be taken into consideration on a case-by-case basis.

#### **Exclusionary Criteria:**

While each case will be considered individually, the following offenses will typically be excluded from the court:

- Felony sex offenses
- Felony crimes of violence
- Felony crimes of violence committed with a firearm
- Felony drug offenses
- Defendants are considered ineligible if there are any unresolved out of county charges. It is the responsibility of the defendant's counsel to resolve any pending out of county charges.
- **Murder and Manslaughter will not be considered under any circumstances.**

Prospective program participants should contact their attorneys or the Behavioral Health Court Coordinator (610-992-7733). A benefit of being in the mental health court is that if you successfully complete the court program your charges may be reduced or dropped altogether. The main goal of the court is to connect those who suffer with mental illness with support resources in the community.

## **SECTION 3: JAIL, COURT, FORENSIC EVALUATION & HOSPITALIZATION**

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### **Probation**

Probation may be offered in lieu of jail. A condition of release is that the person is under the supervision of a probation officer.

### **Hospital**

You might be in Montgomery County Emergency Services (MCES) or another hospital depending on the situation if you go in voluntarily. If hospitalization is made involuntarily, you will go to MCES.

### **Forensic Evaluation and Hospitalization**

If someone needs a determination of competency or treatment they will be sent to the Forensic Center at the Norristown State Hospital. There is a complex process and a long waiting list for evaluation at the Forensic Center, because the Forensic Center serves 38 counties. The Forensic Center serves individuals who require detention in a maximally secure building and who are committed through the criminal justice system for evaluation and/or treatment including court-ordered evaluation for trial competency or sentencing. Services and assessments are also provided for individuals who have been adjudicated Not Guilty by Reason of Insanity or Guilty But Mentally Ill. Co-occurring issues are also addressed.

Not guilty by reason of insanity (NGRI) is a guilty sentence where the defendant is deemed legally insane and not criminally responsible. The individual will be admitted to a Forensic Center usually. Guilty but Mentally Ill (GBMI) is the same as any other guilty plea, except that you will receive treatment, if needed, before your incarceration.

### **What to expect at Forensic Center**

- You can wear street clothes
- You will be able to carry up to \$25
- Better choices of medication than in jail
- You'll have a treatment team of doctors, nurses, social workers, and occupational therapists
- You must attend all programming
- You have a right to call a patient advocate
- Pay phones are available at any time other than programming
- Visiting hours are 4 hours on Saturday and Sunday and 2 hours on Wednesday. The exact hours are different for each ward. The phone number is: 610-313-5656

### **Additional Communication Tips**

This is a stressful time. Here are some tips for when you are with your lawyer, in front of a judge in court or any planning session with professionals.

#### **Body Language**

In an ideal world, justice and fairness would govern everyone's actions. However, in the real world, image is important, and the way in which you present yourself at court can have an impact on the outcome. Here are some examples of positive body language:

- Dress and groom yourself appropriately for court
- Do your best to maintain eye contact
- Use good posture
- Try not to fidget
- Do not smile at judge or jury

#### **Listening**

When you are meeting with someone, active listening can mean the difference between being spoken to and being "spoken at". Active listening means that you take steps to find out the information that you need, rather than simply listening to what the other person says. Below are some pointers for active listening:

- Ask for clarification if you don't understand something.
- Restate a person's position so that you both understand what the person is offering or requiring.
- You should ask for clarification if you don't understand someone's reaction to what you say. For example, if someone replies, "I see", it might mean that the person understands your position, but the person might mean, "I see that you are being difficult". When someone is vague, don't guess at his or her meaning instead, ASK.

#### **Be Sure to Write Down**

- Any promises that the other person makes,
- Any action that you must take,
- Any explanations that the person makes for granting or denying your requests and
- Anything the person says that is supportive of your position.

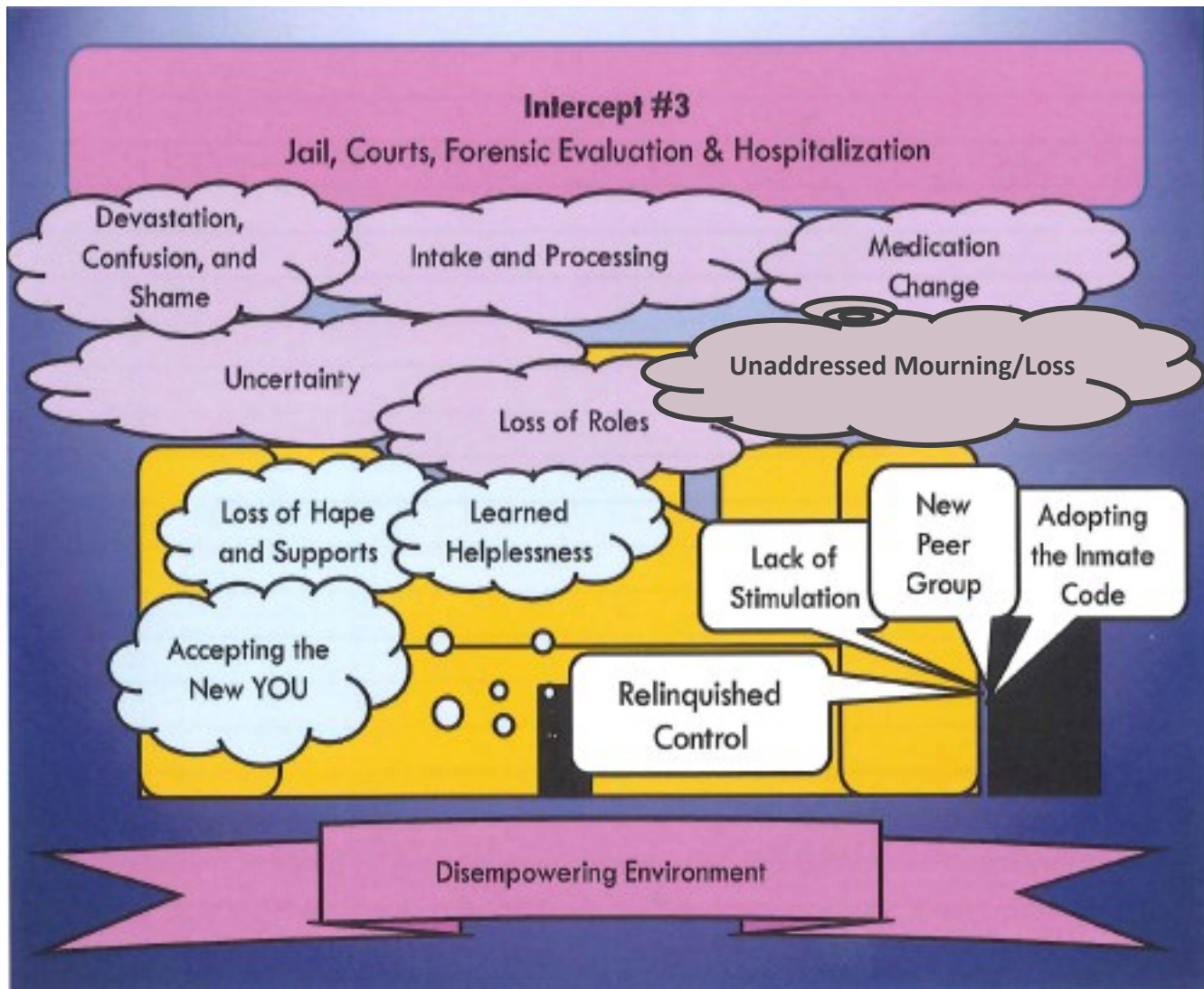


## SECTION 3: JAIL, COURT, FORENSIC EVALUATION & HOSPITALIZATION

### Jail

You should start planning for re-entry from the first day you enter jail. Intercept 4 has the details.

Jail is a very traumatic experience for most people. The most difficult thing about being in jail is that you lose the ability to make choices for yourself. Relinquishing control and learned helplessness are part of the everyday jail experience. Part of the inmate code is just being a number. The challenge of being in a dangerous environment is something most people can never get used to.

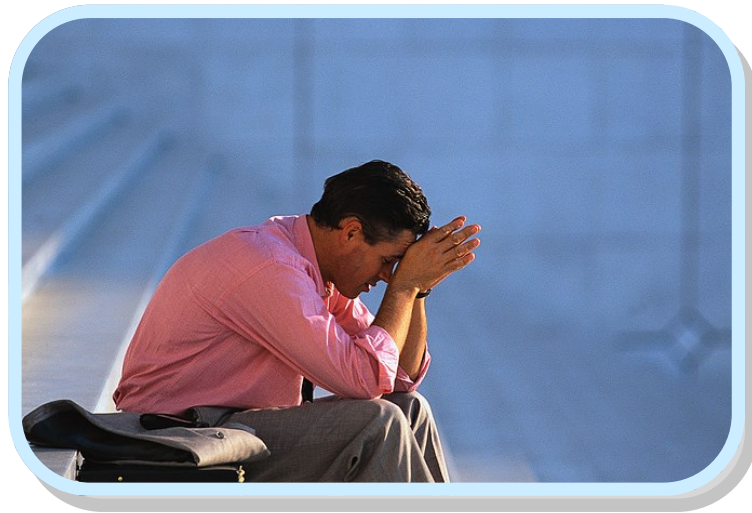


(Chart from PA OMHSAS 2009)

### What to expect in Jail

Before getting to your cell you will be processed. You will be asked for information; given a medical examination, including a tetanus shot. Your personal effects will be taken for safe keeping. You will not be able to take your watch, jewelry or any personal item. You may be in a holding cell for up to 12 hours waiting to be processed. Before you go to your cell you will get a shower, will be strip searched and you will get your prison clothes.





# SECTION 4

# RE-ENTRY

## SECTION 4: RE-ENTRY

### This section is based on Sequential Intercept Model #4

Montgomery County Office of Behavioral Health developed a partnership with county corrections to identify individuals with mental illness in jail and develop services that assist in diverting individuals when appropriate into treatment, housing and the Behavioral Health Court. Community Advocates conducts a justice and recovery class inside the jail. Part of the focus is developing individual Re-entry Plans to help make the transition from jail into the community. Often times, individuals are on probation and must comply with treatment or return to jail. Montgomery County Adult Probation and Parole has designated, trained officers who are assigned to work with individuals who have mental health issues.

### Where might you find yourself?

- In Jail— MCCF
- On Work Release
- In State Prison
- In Forensic Hospital
- On Probation

Many people have said that getting ready for the community after prison begins on the first day inside prison.

### Local options to contact for help

- Community Advocates of Montgomery County-610-270-0375, provides forensic peer advocacy which involves peers promoting self-advocacy in justice related issues – ask for Re-Entry Manual and Peer Advocacy  
Community Advocates of Montgomery County  
600 Stanbridge Street  
Norristown, PA 19401
- MCES-610-279-6100, ask for William Washington, Montgomery County Justice Related Services Department  
MCES  
50 Beech Drive  
Norristown, PA 19401

### DO

- Immediately start preparing for successful release
- Stay occupied
  - ◊ Take advantage of any groups in jail
  - ◊ Get additional education
  - ◊ Read
  - ◊ Stay positive, stay away from negative influences
  - ◊ Exercise
  - ◊ Take care of your health

### Things to Consider

Since 9-11, **photo** identification has become essential but also hard to get. While in jail, driver's licenses have expired, were lost, or were relinquished as part of the court's sentence. To get identification, you will need originals of your social security card and birth certificate. Birth certification applications can be requested by mail or downloaded. Birth certificates are requested from the state where you were born. Birth certificates are requested from the Vital Records offices of the state. Use the **Telephone Directory** – State Government Pages, Vital Records or Vital Statistics, which may be under the Department of Health or Human Services. Or Google "Vital Record" and the name of your state. Most states charge an application fee and require proof of identification. States will accept government issued identification cards.

Some types of convictions, such as Driving Under the Influence (DUI) or drug possession / distribution convictions, place lifetime or time limit suspensions on the ability to get a driver's license. Check the laws in your state to determine whether this affects you.

## SECTION 4: RE-ENTRY

Pennsylvania provides non-driver photo identification. You will need your Social Security Card and Birth Certificate to get this identification. Driver's license application forms and driver handbooks can be requested from the PA Department of Transportation.

### Doing a "Background Check" on Yourself

Employers and landlords routinely do criminal and civil background checks. What they will find out about you varies by search site. The most reliable search sites are Net Detective, ReverseRecords.org, and CourtRecords.org. All charge about \$29.00 for a three-year membership fee. You need to know what employers and landlords are likely to see before they see it!

### Employment

Most states allow private employers to deny jobs to or fire anyone with a criminal record. States can deny occupational licenses based on criminal conviction. People applying for jobs must report felony convictions on employment and license applications. Employers conduct background checks on job applicants. Some states offer certificates of rehabilitation allowing employers to hire people with criminal convictions. Some states are removing occupational and licensing bars. Some states are developing transitional employment opportunities and partnerships with employers to hire people leaving prison. Web-sites (search on employment or jobs for felons) and information guides are available on employers willing to hire people leaving prison.

Montgomery County has three career centers to assist individuals in obtaining employment. The Centers are located at Creative Health, Inc. in Pottstown, Central MH/MR in Norristown, and Northwestern Human Services in Lansdale.

### Housing

Montgomery County has implemented a housing initiative to help individuals leaving jail find affordable housing. Call Justice Related Services at 610-279-6100 for more information.

### Recovery from Jail Plan

- Request books on the internet and searching the internet, *The Internet for Dummies* book is particularly good.
- Enroll in a computer class and practice
- Request books and materials on how to budget your money, save, use credit, and use checking accounts and ATM cards. Practice budgeting and saving while in prison.
- Get involved in any program or opportunity that brings you into contact with community members. Look into mentoring programs. Look for ways to talk with people on the outside to practice talking with people and learning about community life.
- Read the newspaper – learn about what is happening in the outside world.
- Request self help books on building self confidence, a positive self image, and parenting

### Question: Does your conviction affect housing?

Many people report that they cannot find affordable housing or transportation, decent jobs, or treatment services; and that they don't know how to find them. Federal law provides states with discretion in determining eligibility for public housing with only a few exceptions. States may not provide public housing to people with sex offense convictions and those convicted of production of meth on public housing premises. People with these types of convictions are banned for life from public housing. Many states deny public housing to people with a history of violence and those with felony drug convictions. Public housing authorities conduct background checks on all applicants. A leading reason for denying a public housing application is "false" information on the application. Eviction can occur if a person receiving public housing benefits lets a convicted drug offender live with him or her within 2 years of release. Private landlords can reject applicants or evict residents for arrests or convictions.

## SECTION 4: RE-ENTRY

### Re-entry Plan

- Know your stipulations. Find out before you leave what programs you're required to complete as a condition of parole or probation. Know what you're required to do and not to do
- A re-entry plan form is included in the "Re-entry Survival Manual". Your family can request a copy from Community Advocates and send it to you.
- Obtain information about:
  - ◊ all types of housing options
  - ◊ communities that have public transportation
  - ◊ communities that will keep you away from trouble
  - ◊ felon-friendly employers
- Identify agencies that help people leaving prison on the outside.
- Learn about parole and probation supervision

### Prepare for your first meeting with your Probation or Parole Officer (PO)

Prepare for the fact that your PO may not be prepared for your arrival. You will likely have to wait to see him/her. You may have to wait 30, 60, 90 minutes. When you finally meet him/her, try to be patient and not judgmental. POs in Montgomery County are committed, competent professionals who are interested in fostering positive behavioral change. Give them a chance, they are there to help you adjust within appropriate limits. Don't make this your issue. Just listen and be respectful. **Your PO will not be your friend but he/she doesn't need to be your enemy. Just do what needs to be done and get on with living!!**

### Be Patient with Yourself

You may feel overwhelmed by what you need to do to get ready for the community. People report not knowing the date of their release and can't make plans. They can't get ready in 3 months or 3 weeks – it takes years to get ready! Some don't know how to get ready or how to plan. They report not having any information about jobs or housing in the communities where they will be living. People report that information on housing and jobs available inside prison is dated or focused on big cities or urban areas. Getting a job requires sending lots of job applications. Ask, search, ask, search... Some leaving prison or parole report not knowing the stipulations for parole, who their parole officer will be, or how they will get to the parole office upon release.

### Acknowledge Your Feelings

Some people express concern about not knowing how to use the internet or ATM cards or self pay-lines. Some employers require job applications to be completed and submitted on line. Many people reported problems managing money, using check cashing services that charge high fees, getting too many credit cards and misusing them, and not knowing how to get or use checking accounts. People report feeling like an "alien" when they return to the community. People, places, and situations have changed. Nothing looks the same. Bus and train tickets are purchased from machines, not people. People talk on cell phones everywhere. People report feeling like they need a "human upgrade." They need to get their feelings back.

### Be patient with others.

Things take time. Getting frustrated and showing it will not make things happen faster or easier. Use your time productively while you wait -- look into other opportunities, educate yourself, and work on other goals. **Remember treating others with kindness, respect, and understanding increases their willingness to work with you.** You want people to want to help you, hire you, rent to you and like you. **Have a list of places where you can go when you get lonely or feel bored.**

## SECTION 4: RE-ENTRY

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Some people and places will remind you of old ways and habits that brought you to prison. Engage your mind and think of alternatives for yourself. Don't be a victim of old habits. Choose to be in control of your destiny! Find new places and people that will keep you focused on your goals of living successfully in the community. Remember that you can help others – consider volunteering to use your expertise to help others.

### **If you are unable to work due to a disability, investigate:**

#### **Social Security Disability Benefits**

- Request information on the eligibility and ineligibility conditions for social security disability benefits from the Social Security Administration
- Contact the Social Security Administration Office (1-800-772-1213) to request information on conditions for these benefits (Use the Telephone Directory, federal government, Social Security Administration, or go online (if a computer is available).

#### **Supplemental Security Income**

- Request information on the eligibility and ineligibility conditions for supplemental security disability benefits from the Social Security Administration
- Contact the Social Security Administration Office (1-800-772-1213) to request information on conditions for these benefits (Use the Telephone Directory, federal government, Social Security Administration).

### **Getting your health ready for re-entry while you're incarcerated**

- Make medical appointments to get chronic and acute medical problems treated
- Make mental health appointments to manage problems related to depression, trauma, anxiety, or other types of emotional problems
- Make dental appointments to get teeth repaired or to request dentures for teeth that have been extracted or lost while inside prison
- Learn about the prison's policy regarding releasing people with a supply of medications for chronic medical problems. Arrange to qualify for receiving a supply of medications at release for all medications needed to manage health and mental health problems.
- Complete applications for Medicaid or other public programs covering the cost of medications and appointments with medical or mental health providers
- Ask for information about state-approved substance abuse treatment programs
- Complete and submit applications for treatment to state-approved substance abuse treatment programs. Think about how long you can count on having them support you.

#### **Think "Real" About Living with Family**

Some people report needing their family for everything. Family can be a "trigger" for some people. Some people report feeling overwhelmed by their family's expectations for them. One person reported that reality with her mother kicked in on the way home from prison. Old rules and expectations became the new rules and expectations. Some people feel guilty about imposing their needs on their family. Some people see family as the only alternative to a shelter.







## **SECTION 5**

# **COMMUNITY CORRECTIONS/ COMMUNITY SUPPORT**

## SECTION 5: COMMUNITY CORRECTION/COMMUNITY SUPPORT

### This section is based on Sequential Intercept Model #5

Many individuals with mental illness will find themselves on probation or parole when they leave jail. Compliance with mental health treatment is a frequent condition of probation or parole. Failure to attend treatment appointments often results in revocation of probation and return to jail. Montgomery County Adult Probation and Parole has designated, trained officers who are assigned to work with individuals who have mental health issues.

Community Advocates' peer facilitated justice and recovery class assists individuals in understanding the role of probation officers, developing a re-entry plan, and learning about resources and support in the community that can help prevent reincarceration.

### Where might you find yourself?

You are back in the community, and may be involved with **Community Corrections**, which include Probation, Parole and House Arrest.

- *Probation* – Community corrections offered in lieu of jail time. May be a stipulation for Accelerated Rehabilitative Disposition (ARD) and community based treatments.
- *Parole* – Community corrections offered to individuals as an “early release” option from jail or prison.
- *House Arrest* – Often the first, most restrictive phase of probation. House arrest is confinement to one's quarters rather than incarceration in a jail or prison by administrative or judicial order. Usually there is an electric monitoring device (ankle bracelet), which you pay for. House arrest could also be a stringent condition of bail. House arrest is typically enforced with the use of an electronic sensor, strapped to the offender's ankle, not removable by the person. If the person and the sensor venture too far from the home, the violation is recorded and the proper authorities are summoned. A house arrest order may include exemptions for medical necessities, employment or attendance of religious worship.

### Local options to contact for help

There are numerous supports and resources available in the community to help you in your recovery from mental illness and to support you so that you avoid situations that get you in trouble and you stay out of jail. Below are listed many resources you can try to help you succeed in the community:

- Self-help groups – Call Community Advocates at 610– 270 – 0375 for contact information.
  - ◆ Alcoholics Anonymous
  - ◆ Narcotics Anonymous
  - ◆ Community Advocates' Justice and Recovery Class “It's T.I.M.E.” – call Community Advocates for place and time.
  - ◆ Recovery International
  - ◆ Wellness Recovery Action Plan (WRAP) groups

### Tips

- Be honest.
- If you need help ask for it.
- Cultivate good relationships with your PO.
- Follow rules.
- Create relationships of trust.
- Being straight forward with your probation or parole officer allows them to work with you.
- If you see the early warning signs of impending crisis, get help from your doctor or community resources. Let your probation or parole officer know.

Learning how to prevent or handle a relapse is the key to staying out of jail.



## SECTION 5: COMMUNITY CORRECTION/COMMUNITY SUPPORT

- ◆ National Alliance on Mental Illness (NAMI) peer support groups
- ◆ Recovery Education Centers (also known as drop-in centers or peer resource centers)
- ◆ Community Support Connection, Trail Guides, Fortniters
- ◆ Church, synagogue, spirituality-based groups – You don't have to be a member to participate. Find a place that meets your needs, one that is welcoming and understanding.
- ◆ Recovery Coach / Case Management
- ◆ Support from Certified Peer Specialists (CPS)
- ◆ Employment opportunities – Contact Employment Specialists at Creative Health, Central and Northwestern Human Services
- ◆ Montgomery County Community Support Program (CSP)
- ◆ Volunteer (e.g. at the HopeMarket Community Trading Post)

### DO:

- Have a support plan
  - ◇ Have people you can count on
  - ◇ Expect to give and receive help
  - ◇ Be patient with others
- Have an “idle time” plan
  - ◇ **Idle time is one of your biggest risk factors!**
  - ◇ Have a list of things to do and people to call
  - ◇ Have a list of places you can go if you feel lonely or get bored

### Wellness Tips - Things to help you stay well and to stay out of jail

- \* Join the YMCA – discount or free memberships available. Activities include yoga, weight-lifting, swimming, pottery classes
- \* Volunteer – Will make you feel good about yourself and can lead to employment
- \* Join a club
- \* Further your education – college, GED, painting class, gardening class, tai-chi class, etc.

Being involved in a job, program or social activities will increase your level of wellness and can help you avoid hospitalization and keep you out of jail

### Crisis Intervention and Relapse Prevention

#### Tips for family or friends calling for help

- ⇒ Don't second-guess yourself
- ⇒ If you're calling for help, you probably need it

If you have a relapse and you or your family member is in a crisis, it is **IMPORTANT** to get help as soon as possible. Early intervention helps with relapse prevention and can prevent interaction with the criminal justice system from happening again.

#### Adult Mobile Crisis Support Services

Mobile Crisis Support includes telephone and mobile crisis support for adults living in Montgomery County. Crisis support workers will help you resolve crisis situations through on site, face to face, mobile support when needed.

Crisis support is available 24 hours a day, 7 days a week at 1-855-634-4673 (634-HOPE). Crisis support workers will help you with immediate crisis situations, and help you reduce and manage recurring crisis. This service includes: supportive telephone counseling, meeting you where you live, help with reducing recurring crisis, support in addressing drug/alcohol use or addiction, coping with past traumatic experiences, connecting you with emergency respite, helping you talk to your doctor, connecting you with peer support, and connecting you to additional local community resources.

In addition to mobile crisis support, Access Services also offers a Peer Support Talk Line. Certified Peer Specialists are available to talk with you about challenges you may be facing, and offer encouragement and hope. Often, it is helpful to know that someone who has faced similar circumstances and understands your point of view, is available to lend a listening ear. The talk line is 1-855-715-8255 and is open from 3-8 p.m. daily. For more information, visit [www.accessservices.org](http://www.accessservices.org). All mobile crisis support services are free.

## SECTION 5: COMMUNITY CORRECTION/COMMUNITY SUPPORT

### Things to remember:

- You, a family member or a friend should call Mobile Crisis services at first sign that something is not right. People usually call after the crisis has become an emergency.
- Call the treating physician and/or Crisis for advice.
- Request the support of a peer.
- Having a Crisis Plan or a WRAP (Wellness Recovery Action Plan) will help others in supporting you or your loved one during a crisis.
- Have important phone numbers available.
- Know your location (street address, township, town).
- 911 responders make judgment calls whether to contact MCES.
- Majority of the time police will be sent to the scene after calling 911.
- Many police officers in Montgomery County have received Crisis Intervention Specialist (CIS) training.
- If calling 911, ask if a Crisis Intervention Specialist (CIS) officer is available.

<p><b>Adult Mobile Crisis</b>  <b>24 Hour/7 Day a Week Hotline</b>  <b>1-855-634-4673</b></p>	<p><b>911</b>  <b>Ask for an officer with special training in mental illness</b></p>
<p><b><u>When to Call Access</u></b></p> <ul style="list-style-type: none"> <li>• The person starts to feel anxious</li> <li>• Early warning signs of crisis, which are different for each person – see Section 1</li> <li>• The person begins to feel or recognize signs they have encountered during previous crises</li> <li>• The person is in the midst of crisis and doesn't know how to handle it</li> </ul>	<p><b><u>When to Call 911</u></b></p> <ul style="list-style-type: none"> <li>• The person has a weapon</li> <li>• The person took an overdose</li> <li>• Any time there is imminent danger</li> </ul>

A person in crisis might need hospitalization—If you are considering hospitalization for yourself or a loved one, call Adult Mobile Crisis at 1-855-634-4673. They can think through the issues with you and can help with the process.

- Voluntary admission (201 commitment) – Person may choose the hospital for their treatment: Psychiatric hospitals in Montgomery County: MCES, Horsham, Brooke Glen, Bryn Mawr Hospital, and Pottstown Memorial Medical Center. (This choice may depend on your insurance coverage)
- Involuntary admission (302 commitment) – Montgomery County has designated MCES as the hospital for all 302 commitments.
  - ◆ Committed for up to 5 days
  - ◆ There will be a court hearing to determine if you need further treatment
  - ◆ After the court hearing, if you need more hospital treatment (a 303 commitment), you may stay at MCES or transfer to another hospital

## SECTION 5: COMMUNITY CORRECTION/COMMUNITY SUPPORT

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### **Substance Abuse Risks**

The use of alcohol and/or drugs are parole and probation violations that will lead to re-incarceration. This is especially true if the original sentence was related to drug charges. This should be an adequate reason to maintain abstinence and sobriety, but there are others.

#### *Relapse*

Initiating substance abuse or relapsing and resuming use after release may trigger recurrence of a pre-existing psychiatric disorder. This may precipitate a mental health crisis or even a psychiatric emergency.

#### *Overdose*

The transition from correctional facility to community is particularly hazardous for drug-users whose tolerance for cocaine or heroin has been reduced by imprisonment. Studies show an increased risk of drug-related death soon after release from prison, specifically in the first two weeks. A long-term study of causes of death among former Washington state inmates published in the *New England Journal of Medicine* found that cocaine overdoses represented the leading cause of death well ahead of heart disease, homicide, suicide, and cancer.

Change or loss of tolerance to a substance is the main risk factor for fatal overdoses. Other risk factors for overdose include:

- Using too much heroin/ “downers” or stimulants
- Change in tolerance (decreases rapidly)
- Mixing heroin and/or multiple substances
- Problem of drug purity/quality
- Switching from smoking to injecting heroin
- Using heroin/other substance alone
- Using in unfamiliar places (affects tolerance)

### **Suicide Risk**

Suicide risk increases with criminal justice system involvement. It peaks during incarceration, but persists after release. Many individuals return to the community with risk factors acquired during imprisonment. Close supervision and monitoring, socialization, and access to treatment may lessen suicide risk in jail. However, these protective factors are lost after release.

Loss of interpersonal relationships, unemployment, housing, and financial problems, ongoing legal problems, mental illness, and alcohol and drug use may all contribute to these serious risk factors for suicide after prison:

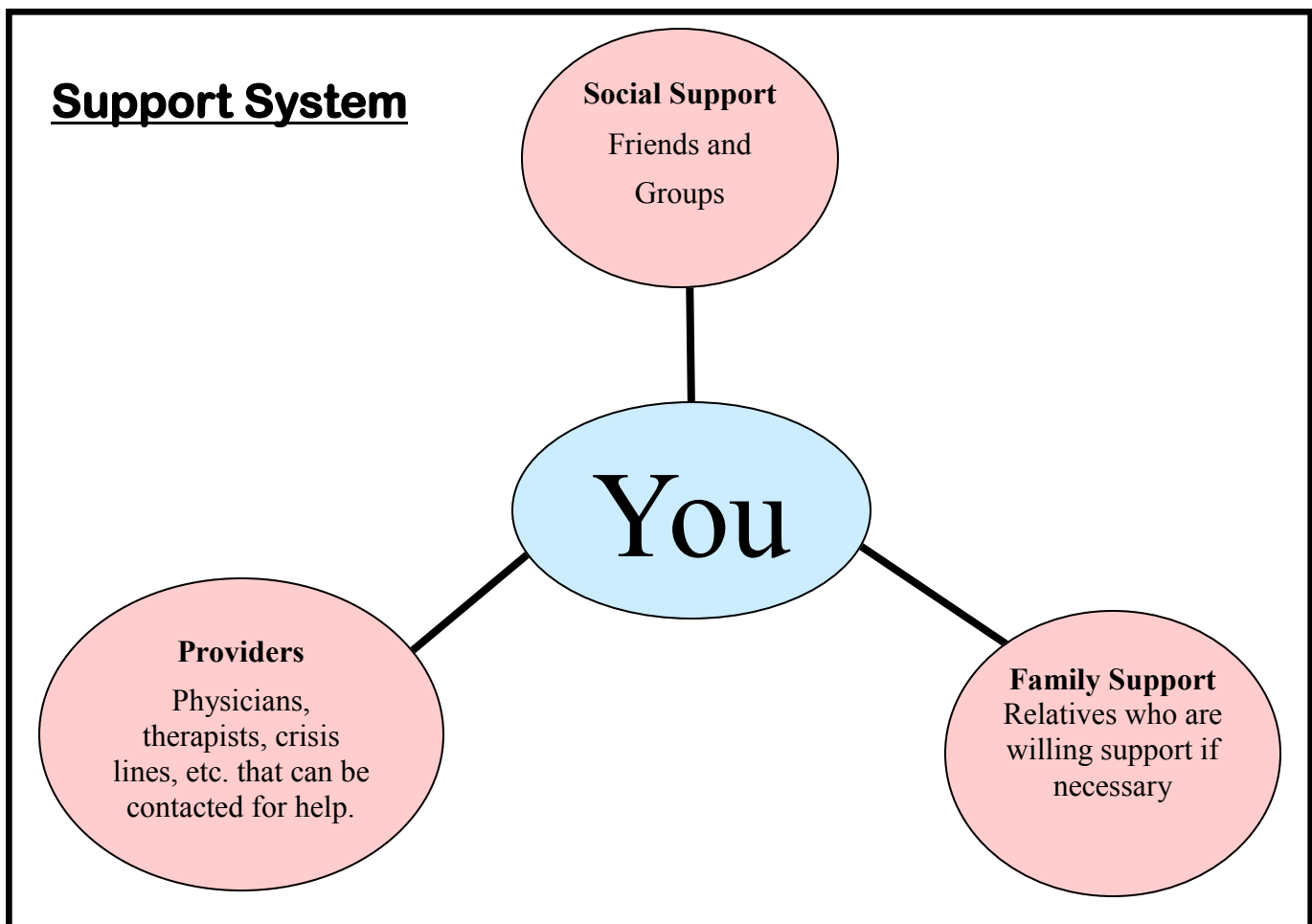
- Sense of being a burden or liability to those one cares about
- Belief of failing to contribute as expected
- A lack of frequent, positive social interaction
- Sense of not being cared about by others
- Perceived inability to connect with others
- Hopelessness

## SECTION 5: COMMUNITY CORRECTION/COMMUNITY SUPPORT

Jail and the lifestyle often preceding it also imbue the individual with an ability to engage in or to withstand violence or painful behavior, which also raise suicide risk.

Suicide risk does not always lead to suicidal behavior, but it is reasonable to take some steps to offset risk. Much of the advice given earlier in this section and elsewhere in this booklet will help, such as building and maintaining supports, adhering to treatment regimens, and avoiding alcohol and drug use. Another strategy is to have a personal suicide prevention plan, particularly if you have a past history of suicidal behavior. Such a plan is similar to the personal crisis plan, but targets suicidality. Here is an outline for such a plan:

1. Warning signs – Thoughts, feelings, moods, behaviors, etc. that are indicators of emerging suicidality.
2. Coping strategies – Self-help measures to avert suicidality.
3. Social supports – Friends and social settings (e.g., Drop-in Center) that can serve as distractions if self-help efforts do not abate suicidality.
4. Family supports – Relatives who would be willing to serve as supports if necessary.
5. Providers – Physicians, therapists, crisis lines, etc. that can be contacted for help.
6. Means restriction – Identification of possible means of lethal self-harm and what can be done to block access (e.g., disposing of unused meds).







# ONLINE RESOURCES



## ONLINE RESOURCES

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Free Online Resources:

### **The Bazelon Center for Mental Health Law**

<http://www.bazelon.org>

A nonprofit organization devoted to improving the lives of people with mental illnesses through changes in policy and law.

*Arrested? What Happens to Your Benefits if You Go to Jail or Prison? A Guide to Federal Rules on SSI, SSDI, Medicaid, Medicare and Veterans Benefits for People with Disabilities*

Discharge planning, properly accomplished, can assist inmates with mental illnesses in qualifying for disability benefits and Medicaid immediately upon their release so that they can access housing and mental health and rehabilitation services. The booklet is designed to help inmates, their families and advocates, and corrections staff understand the procedures for reinstating (or applying for) these benefits.

<http://www.bazelon.org/LinkClick.aspx?fileticket=u-NP2VU8WzQ%3d&tabid=104>

### **The National Alliance on Mental Illness (NAMI)**

<http://www.nami.org>

The nation's largest grassroots organization dedicated to improving the lives of individuals and families affected by mental illness.

*A Guide to Mental Illness and the Criminal Justice System*

Information for consumers, family members and advocates to assist in developing a basic understanding of criminal procedures and terminology, and helpful hints to enable families and others to impact at the various stages of criminal processes.

<http://www.nami.org/Content/NavigationMenu/NAMILand/CJguidetomentalillnessandcjsystem.pdf>

### **The Sentencing Project**

<http://www.sentencingproject.org>

A national organization working for a fair and effective criminal justice system by promoting reforms in sentencing law and practice, and alternatives to incarceration.

*Mentally Ill Offenders in the Criminal Justice System*

An analysis of the "criminalization" of people with mental illness and its impact on the criminal justice system.

[http://www.sentencingproject.org/doc/publications/sl\\_mentallyilloffenders.pdf](http://www.sentencingproject.org/doc/publications/sl_mentallyilloffenders.pdf)

### **Pennsylvania Department of Public Welfare Office of Mental Health and Substance Abuse Services**

User-friendly website:

<http://www.parecovery.org>

*Forensic Workgroup Recommendations: Recommendations to Advance Pennsylvania Responses to People with Mental Illness and/or Substance Use Disorders Involved in the Criminal Justice System, September 2006.*

[http://www.parecovery.org/documents/Forensic\\_Workgroup\\_Final\\_Report\\_111406.pdf](http://www.parecovery.org/documents/Forensic_Workgroup_Final_Report_111406.pdf)

## ONLINE RESOURCES

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*Munetz, M. R. & Griffin, P. A. Use of the Sequential Intercept Model as an Approach to Decriminalization of People with Serious Mental Illness. Psychiatric Services*

<http://psychservices.psychiatryonline.org/cgi/reprint/57/4/544>

*Mental Health & Justice Center of Excellence*

[www.pacenterofexcellence.pitt.edu](http://www.pacenterofexcellence.pitt.edu)

### **Center for Mental Health Services & Criminal Justice Research, Rutgers University**

<http://cbhs.rutgers.edu>

A research organization that seeks to improve the welfare of people with mental illness in ways that minimize the disruption of treatment and maximize their potential to lead productive and rewarding lives.

Reentry Survival Manual

A manual for people leaving prison based on the experiences of those who left or were leaving prison

[http://www.cbhs-cjr.rutgers.edu/pdfs/Reentry+Survival+Manual\\_3\\_8\\_final\\_nlw.pdf](http://www.cbhs-cjr.rutgers.edu/pdfs/Reentry+Survival+Manual_3_8_final_nlw.pdf)



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## REFERENCES

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- Beyond Punishment Helping Individual with Mental Illness in Maryland’s Criminal Justice System *NAMI Metropolitan Baltimore*
- The Delaware County Criminal Justice System *Philip Domini and Mike Harper*
- Double Jeopardy *Center of Mental Health Service et al*
- A Guide to Mental Illness and the Criminal Justice System *National Alliance on Mental Illness*
- How to Help when A Person With Mental Illness Is Arrested *NAMI—New York State and Urban Justice Center of Mental Health Project*
- Mentally Ill Offenders in the Criminal Justice System *The Sentencing Project*
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- Wellness Recovery Action Plan *Mary Ellen Copeland*
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