



**The National Alliance on Mental Illness
of Massachusetts Presents:**

**A Road Map through the
Criminal Justice System for
Persons with Mental Illness and
Their Families**

**If you should notice any necessary corrections or appropriate additions, please
contact NAMI Massachusetts at info@namimass.org**

Thank You

Table of Contents

- I. [Introduction to the purpose/goals of this guide](#)
- II. [Preparation and Early Interventions](#)
 - a. Locate your loved one's police department
 - b. [Utilize Crisis Planning Tools offered by Massachusetts Behavioral Health Partnership](#)
 - c. Prepare a crisis file for your loved one
 - d. [Educational courses that the National Alliance on Mental Illness of Massachusetts offers](#)
 - e. [Resources offered by the Department of Mental Health](#)
 - f. [What to do if the situation does not require police intervention or immediate hospitalization?](#)
 - i. Contact local ESP.
 - ii. Take your loved one to the nearest Emergency Department
 - g. [Urgent Outpatient Services offered Massachusetts Behavior Health Partnership](#)
 - h. [Mental Health Legal Advisors Committee](#)
 - i. [Voluntary Commitment](#)
 - i. What is a voluntary commitment?
 - ii. What is a conditional voluntary commitment?
 - iii. What happens when your loved one considers signing into a hospital as a conditional voluntary patient?
 - iv. Are there advantages to conditional voluntary admission?
 - v. By signing a conditional voluntary status, does my loved one forfeit any of his/her rights?
 - vi. What is a three-day Notice?
 - i. [Involuntary Admission under "Section 12"](#)
 - i. Massachusetts General Law Chapter 123 Section 12: Emergency restraint and hospitalization of persons posing risk of serious harm by reason of mental illness
 - ii. Application for 3 day commitment for mental illness
 - iii. What is a Section 12?
 - iv. What is the standard for an application for admission under Section 12(a)?
 - v. What happens after admission?
 - vi. What can the hospital do during these first three days?
 - vii. What can my loved one do during these first three days?
 - viii. What are my loved one's rights regarding civil commitment?
 - ix. Can the hospital decide not to go forward with a civil commitment hearing?

- x. How long is a civil commitment and what procedures must a hospital follow in order to keep my loved one involuntarily committed?
- j. Discharge under Civil Commitment
 - i. Can my loved one seek judicial review if he/she is committed?
 - 1. Mass. Gen. Laws ch. 123 s. 9(a) Appeal of a Commitment Order
 - 2. Mass. Gen. Laws ch. 123 s. 9(b) Application for Discharge
- k. [What is a “Rogers Order”?](#)
- l. [Massachusetts General Law Chapter 123 Section 35: Commitment of alcoholics or substance abusers](#)
 - i. Petition for commitment under § 35

III. [When Individuals with Mental Illness Enter the Criminal Justice System](#)

- a. [Call your local Police Department’s non-emergency line](#)
- b. [Calling 911](#)
 - i. When should I call 911?
 - ii. What information should I give to the dispatcher?
- c. [What happens when police respond to the scene?](#)
 - i. Initial procedures
 - ii. Pre-booking diversion (other options available other than arrest)
- d. [What happens when a person with mental illness is arrested?](#)
 - i. What is an arrest?
 - ii. Miranda Warning
 - iii. Massachusetts’ Humane Practice
 - iv. Search incident to arrest
- e. [Booking and Interrogation by Police](#)
 - i. What is booking?
 - ii. What will happen during the booking process?
 - iii. Locating your loved one after he/she has been arrested and booked
 - iv. What about police interrogation?
- f. [Bail \(if applicable\)](#)
 - i. What is bail?
 - ii. Who can post bail?
 - iii. What happens if bail is set?
 - iv. What happens if bail is not set?
 - v. What if bail is set and cannot be afforded?
 - vi. Bail hearing
- g. [Arrestment](#)
 - i. Entering a Plea
 - ii. How do I find out where my loved one will be arraigned?
 - iii. Right to Counsel
 - 3. Entering a Plea
 - iv. What determinations are made at an arraignment?

- h. [What is a misdemeanor? What is a felony?](#)
 - i. Misdemeanor
 - ii. Felony
- i. [Legal Representation](#)
 - i. What does it mean to have counsel “appointed”?
 - ii. If my loved one can afford an attorney or is not eligible to receive an appointed attorney, what steps should be taken?
 - iii. What is the prosecution’s role?
- j. [Preliminary Hearing](#)
 - i. What is a Preliminary Hearing?
 - ii. Can a Preliminary Hearing be waived?
- k. [Grand Jury](#)
- l. [Court System in Massachusetts](#)
 - i. [Trial Court](#)
 - 1. District Court
 - 2. Superior Court
 - 3. Boston Municipal Court Department
 - ii. [Court Based Jail Diversion Initiatives in Massachusetts](#)
 - 1. Boston Municipal Court Department Central Division Mental Health Diversion Initiative
 - 2. Recovery with Justice: Springfield Specialty Court
 - 3. Plymouth Mental Health Court
 - 4. MISSION-Direct Vet
 - 5. Court Clinic Services
- m. [Pretrial](#)
 - i. Pretrial Release (if available)
 - ii. Pretrial Options
 - 1. Prosecutor may drop charges
 - 2. Judge may dismiss the case
 - 3. Deferring Prosecution/Staying the Proceedings
 - 4. Plea Bargains
 - 5. Pretrial Probation
 - 6. Continuance without a finding
 - 7. Collateral Consequences of Pre-trial Options:
- n. [Mental Health Issues That May Arise at Trial](#)
 - i. [Competency](#)
 - 1. What is competency and why is it important?
 - 2. What is a court ordered evaluation for competency?
 - 3. What happens if a person is found legally incompetent to stand trial?
 - ii. [“Insanity defense” known in Massachusetts as “Lack of Criminal Responsibility”](#)

1. Insanity defense v. Lack of Criminal Responsibility
 2. What is a “lacking criminal responsibility” defense and when is it used?
 3. Court Ordered Evaluation for Lack of Criminal Responsibility
 4. What could happen to someone if he or she is found not guilty by reason of lack of criminal responsibility?
 5. Sample of jury instructions on Lack of Criminal Responsibility
- iii. What is the difference between competency to stand trial and raising lack of criminal responsibility?
- o. [Going to Trial](#)
 - i. What is a trial?
 - ii. Burden of Proof
 - iii. Jury Trial or Bench Trial?
 - iv. Presence of Family and Friends
 1. What should the role of family and friends be at the trial?
 2. Testimony of family and friends
 - p. [Conviction and Sentencing](#)
 - i. Massachusetts Sentencing Guidelines
 - ii. What are the different types of sentences given?
 - iii. Pre-sentence Evaluation
 - iv. Pre-sentence report
 1. What is a presentence report and how is it used?
 - v. Mitigation
 1. What are mitigating circumstances?
 2. What can mitigation do?
 - q. [Jails in Massachusetts](#)
 - i. How are jails in Massachusetts organized?
 - ii. What mental health services are provided in jails?
 - iii. What if my loved one is being denied mental healthcare while in jail or is being held in solitary confinement?
 - r. [Corrections System](#)
 - i. Massachusetts Department of Corrections
 1. Mass DOC Program Description Booklet
 2. DOC Programs
 - ii. Probation
 - iii. [Prisoner’s Right to Adequate Medical Care](#)
 - iv. Guide to DOC Facility Security Levels
 - v. [Massachusetts Parole Board](#)
 1. What is the Massachusetts Parole Board
 2. Transitional Services Unit
 3. Guide to Parole Hearing Process
 4. Family and Friends of Inmates Resources

- i. [Locate your loved one within the Massachusetts Department of Corrections](#)
 - ii. [State Facilities Visiting Policies](#)
 - s. [Post-Conviction](#)
 - i. New Trial or Appeal
 - 1. What if the motion for a new trial is denied?
 - 2. What is an appeal and what could happen?
 - 3. Appellate Process
 - a. Where will my loved one's appeal be heard?
 - b. Can all appeals be heard in the Massachusetts Appeals Court?
 - ii. [Preparing for Release](#)
 - 1. Massachusetts DOC Reentry and Reintegration Resources
 - c. Reentry Brochure for Friends and Family of Inmates
 - d. Department of Correction Reentry Continuum
 - e. Regional Reentry Centers
 - 2. Re-entry services and community corrections interventions as diversion initiatives
 - f. Forensic Transition Team
 - g. Juvenile Forensic Transition Services (JFTC)
 - h. MISSION CREW
 - iii. [Release from Incarceration](#)
 - 1. Continuing Mental Health treatment (getting in contact with local mental health facilities)
- IV. Appendix
 - a. [Known C.I.T./Specialized Training Services in Massachusetts](#)
 - b. [Mental Health Legal Advisors Committee Intake Services Chart](#)
 - c. [District Courts](#)
 - d. [Superior Courts](#)
 - e. [2011 Co-Response Jail Diversion Program Contacts](#)
 - f. [Sheriff Departments/County Jails](#)
 - g. [Other Local Jails in Massachusetts](#)
 - h. [Department of Corrections Facilities](#)
 - i. [Department of Mental Health Jail Diversion Grantees](#)
- V. [Glossary of Terms](#)

A Road Map through the Criminal Justice System
for Persons with Mental Illness and Their Families

I. Introduction/Goals of the Guide

- a. This guide is for people with mental illness, their families and their loved ones. In times of crisis, far too often families are uninformed and lose the opportunity to help prevent arrest, jail, and even prosecution, when their loved one is experiencing a psychiatric crisis. In these instances, what may look like wrongful behavior is really a symptom of their illness and a cry for treatment rather than criminalization.
- b. There are three common situations that people with mental illness may find themselves in with respect to the criminal justice system:
 - i. Those which belong out of the criminal justice system altogether
 - ii. Those where treatment not criminalization is needed, but nonetheless entering the system can be the catalyst for long-resisted acceptance of treatment, and finally
 - iii. Some cases where true criminal activity is involved and criminal prosecution is inevitable
- c. This guide explains the essentials of the criminal justice system, less to resign yourself to it, but to help you find a way out, or to treatment within, almost always with justice personnel whose job it is to prevent unnecessary entanglement of people with serious mental illness.
- d. In all three of the situations listed above, having an advocate will help ensure that your loved one receives the appropriate level of treatment and the compassionate care they deserve. This guide will help aid you in being an advocate for your loved one no matter where in the criminal justice system they may be.

II. Preparation and Early Interventions

- a. **Locate your loved one's police department ([Massachusetts Police Department Directory](#))**
 - i. Find out if your local police department has officers who are specially trained on mental illness (such as Crisis Intervention Team, or something comparable)
 - ii. See DMH Jail Diversion Grantees list in Appendix
- b. **[Utilize Crisis Planning Tools offered by Massachusetts Behavioral Health Partnership](#)**
 - i. [2011 workshop held by Mass. Behavioral Health Partnership on Crisis Planning](#)
- c. **Prepare a crisis file for your loved one. Consider including the following:**

- i. Diagnosis and medical conditions
- ii. List of the medications being taken (and what medications are not tolerated)
- iii. A list of all important phone numbers:
 1. Phone number of loved one's doctor, case manager etc. (all people who may be connected the diagnosis/treatment)
 2. Phone number for [Emergency Services Program \(ESP statewide directory\)](#) that covers your area.
 3. Phone numbers of any helpful family members/friends/neighbors/peer support
 4. Phone number of local NAMI affiliate ([find your local NAMI affiliate](#))
- iv. Find out what services are covered by your loved one's insurance if he or she has private insurance. Contact the member services because some insurance coverage includes only outpatient doctor visits and inpatient hospitalization.
 1. Some employers have employee assistance programs (EAP) that can offer resources to family members of employees. Contact the EAP to find out what, if any, resources they can provide.
- v. Up to date photograph of your loved one
- vi. Notes on any previous crisis experience (what happened and how it was previously handled)
- vii. Check if [Smart911](#) is available in your area. It allows citizens to proactively provide details on their family and there home that 9-1-1 may need in order to send help in the event of an emergency.
 1. Alternatively, if Smart911 is not available, discuss with your police department ahead of time the ability to store certain information within their computer so they know how to better respond to your call when it occurs.
- viii. Utilize the [Massachusetts School of Professional Psychology Interface \(MSPP Interface\)](#). This service collects and categorizes a wide range of valuable resources related to mental health and wellness for the benefit of the general public – children, adults and families – as well as educators and mental health professionals. They serve particular areas within Massachusetts.
 1. In addition to the resources on their website, they maintain a mental health and wellness referral help line Monday-Friday, 9 am-5 pm:
 - a. 617-332-3666 x 1411
 - b. 888-244-6843 x 1411
 2. The following are the towns which MSPP Interface provides services to: [Ayer-Shirley](#), [Boston](#), [Chelmsford](#), [Concord-Carlisle](#),

[Groton-Dunstable](#), [Harvard](#), [Lincoln-Sudbury](#), [Littleton](#), [Needham](#),
[Newton](#), [Southern Berkshire County](#), [Waltham](#) [Westford](#)

- d. **Educational resources that the [National Alliance on Mental Illness of Massachusetts](#) offers and other available resources:**
- i. [NAMI Family to Family](#)
 - ii. [NAMI Basics](#) (program for parents and other caregivers of children and adolescents living with mental illnesses)
 - iii. [NAMI Family Support Groups](#)
 - iv. [Peer Support Resources](#)
 - v. [NAMI Connection Recovery Support Group](#)
 - vi. [Samaritans: Suicide Prevention Helpline](#)
 1. 800 252 8336
 2. 24 hour hotline: 508-875-4500, 617-247-0220
 - vii. [Other available support groups](#)
 - viii. [Online Support Groups](#)
- e. **Resources Offered by the [Department of Mental Health](#)**
- i. The Department of Mental Health (DMH) has published several resources guides that help consumers, families and the general public find information about DMH, the services offered and other statewide services and programs in the mental health community.
 1. [DMH Resource Guide](#)
 2. [DMH Consumer and Family Resource Guide](#)
 3. [DMH Young Adult Resource Guide](#)
 4. [2010 Medication Information Manual for Consumers and Families](#)
 5. [Psychoactive Medication for Children and Adolescents: Orientation for Parents, Guardians, and Others](#)
- f. **What to do if the situation does not require police intervention or immediate hospitalization?**
- i. As alternative to calling 911, call your loved one's local [Emergency Services Program \(ESP statewide directory\)](#) and explain to them the situation. They will advise you on how to proceed going forward.
 - ii. Take your loved one to the nearest emergency department. Ask your loved one's insurance provider what hospitals nearby are covered.
 1. [Hospitals in Massachusetts with Emergency Departments](#)
- g. **Urgent Outpatient Services offered Massachusetts Behavior Health Partnership:**
- i. Urgent Outpatient Services are for members of all ages who are not experiencing a mental health or substance use emergency, but they feel they need an appointment sooner than waiting for a routine outpatient appointment. UOS appointments are provided within one business day and include an assessment and intervention geared toward decreasing and/or managing urgent concerns and immediate symptoms. Members using

UOS will also be provided with referrals to any needed services including outpatient services, community supports, etc.

- ii. [Urgent Outpatient Services Providers and Locations within Massachusetts](#)
- iii. *Before utilizing Urgent Outpatient Services, call your loved one's mental health provider and ask if there can be an emergency outpatient appointment within 1 business day or sooner. *

h. **Mental Health Legal Advisors Committee**

- i. What is Mental Health Legal Advisors Committee?
 - 1. [Mental Health Legal Advisors Committee](#) is an independent, state-funded agency that provides advice and direct representation to persons with mental health needs on a wide range of legal issues including: access to mental health services, treatment rights, equitable treatment in custody, visitation matters, guardianship abuse, insurance discrimination, educational rights, group home evictions and mistreatment in community and institutional settings.
 - 2. If MHLAC cannot help with the issue you or your loved one may be facing, they can make referrals to agencies or persons who may be able to assist you.
- ii. How can I contact MHLAC?
 - 1. Mental Health Legal Advisors Committee
24 School Street, 8th Floor Boston, MA 02108
Phone- 617-338-2345
Toll-free (MA only)- 1-800-342-9092
Fax- 617-338-2347

i. **Voluntary Commitment**

- i. What is a voluntary commitment?
 - 1. If you're loved one admits himself or herself to a hospital as a voluntary patient, his or her status is entirely voluntary and may be terminated by him/her or the hospital at any time.
 - 2. True voluntary admissions, as opposed to conditional voluntary admissions, are not offered very often in Massachusetts, but it can never hurt to request that status.
- ii. What is a [conditional voluntary commitment \(Mass. Gen. Laws ch. 123 s.10\)](#)?
 - 1. If the hospital considers your loved one competent to make the decision, he or she may apply for conditional voluntary admission status. . A guardian may not apply for conditional voluntary admission on behalf of another adult.
 - a. [Application For Care And Treatment On A Conditional Voluntary Basis](#)

2. As a conditional voluntary patient, your loved one remains on this status, until the hospital decides to discharge him/her, or he/she asks to leave by filing a "three day notice." After the three-day notice period runs, the hospital can decide to either discharge or pursue commitment.
- iii. What happens when your loved one considers signing into a hospital as a conditional voluntary patient?
 1. [The Department of Mental Health](#) has a [notice of rights](#) regarding conditional voluntary admission, which must be shared with patients.
 2. Before signing in as a conditional voluntary patient, your loved one must be given the opportunity to consult with a lawyer. He or she can call either the [Mental Health Legal Advisors Committee](#) at 617-338-2345 or the [CPCS Mental Health Litigation Division](#) at 617-988-8341.
 3. A facility can accept an application for conditional voluntary admission only if when your loved one is assessed by the admitting physician, the physician determines that the person understands the conditional voluntary admission process and wants treatment.
 - iv. Are there advantages to conditional voluntary admission?
 1. A conditional voluntary admission status prevents the facility from being able to pursue court-ordered commitment.
 - a. [Acting Superintendent of Bournemouth Hospital v. Baker](#), 431 Mass. 101, 105-06 (2000) (under the civil commitment statute, a petitioner may only seek commitment of respondent, a conditional voluntary patient, after the respondent gave the statutory notice of her intent to withdraw from the facility).
 2. The facility is also prevented from pursuing a district court order authorizing the administration of antipsychotic medication.
 3. An individual on conditional voluntary status has the ability to sign a three-day notice of the intention to leave the facility. This notice forces the staff to act, either to allow the patient to leave or to petition for commitment.
 - v. By signing a conditional voluntary status, does my loved one forfeit any of his/her rights?
 1. Your loved one waives the right to an emergency hearing under section 12 to have a judge determine whether his or her involuntary admission was an abuse or misuse of the section 12 process. The conditional voluntary also is a waiver of the right to have a judge decide whether your loved one meets the legal

standard for involuntary commitment. However, this right is regained by signing a “three day notice.” (SEE BELOW)

2. Your loved one also waives the right to an attorney by signing a conditional voluntary.
 3. Your loved one waives the right in some situations to certain guarantees of the [U.S. federal constitution](#) (right to safety, right to adequate treatment, and freedom from harm and undue restraint). But the facility may be compelled to provide these rights under the Massachusetts state constitution.
- vi. What is a three-day notice?
1. At any time during a conditional voluntary stay at the hospital, your loved one can submit a written notice to the hospital of his/her intent to leave. Hospitals usually have their own three-day notice form, but the notice does not need to be on any particular form, so long as it is in writing.
 2. During these three business days, your loved one may be held at the hospital while the staff assesses the person’s clinical progress and suitability for discharge.
 3. A person may not be held against his or her will for longer than three business days unless, prior to the end of the third day, the hospital petitions for your commitment.
 4. Your loved one can withdraw the three-day notice at any time before action is taken on it.
- j. **Involuntary Admission under “Section 12”**
- i. [Massachusetts General Law Chapter 123 Section 12: Emergency restraint and hospitalization of persons posing risk of serious harm by reason of mental illness](#)
 - ii. [Application for 3 day commitment for mental illness](#)
 - iii. What is a Section 12?
 1. In Massachusetts, Section 12 of Chapter 123 of the Massachusetts General Laws controls the admission of an individual to a general or psychiatric hospital for psychiatric evaluation and, potentially, treatment. Section 12(a) allows for an individual to be brought against his or her will to such a hospital for evaluation. Section 12(b) allows for an individual to be admitted to a psychiatric unit for up to three business days against the individual’s will or without the individual’s consent.
 - iv. What is the standard for an application for admission under Section 12(a)?
 1. The standard is whether the individual would "create a likelihood of serious harm by reason of mental illness." “Likelihood of serious harm" means one of three things:

- a. The person poses a substantial risk of physical harm to him/herself as manifested by evidence, threats of, or attempts at suicide or serious bodily injury; or
 - b. The person poses a substantial risk of physical harm to others as evidenced by homicidal or violent behavior or evidence that others are in reasonable fear of violent behavior and serious physical harm from that person; or
 - c. The person's judgment is so affected that there is a very substantial risk that the person cannot protect himself or herself from physical impairment or injury, and no reasonable provision to protect against this risk is available in the community.
- v. What happens after admission?
1. Following this procedure, an individual may be admitted to a psychiatric facility without a court hearing and against his or her will for up to three business days, provided that a physician designated by the hospital has examined the person and signed the admission papers.
 2. If the paper is signed by a physician who does not qualify as a "designated physician" under DMH regulations, or is signed by a qualified psychologist, by a licensed independent clinical social worker, by a qualified psychiatric nurse, or by a police officer, it is considered only an application for hospitalization; a designated physician at the facility must still actually examine the person and determine whether he/she meets the standard for involuntary admission. The examination must occur within two hours of reception at the facility.
- vi. What can the hospital do during these first three days?
1. At any time during these three business days, the hospital may: discharge your loved one if the hospital determines that he or she is not in need of care and treatment.
 2. File a petition for involuntary commitment with the district court.
- vii. What can my loved one do during these first three days?
1. At any time during the three days, an individual may: apply to the hospital to change one's status to that of a conditional voluntary patient. (The hospital should accept the application if the individual is competent to understand the conditional voluntary and three-day notice provisions, wants treatment and the facility is suitable to provide treatment). The person has a right to consult with an attorney before signing the conditional voluntary.
 2. Request an attorney through the [CPCS Mental Health Litigation Division](#).

3. [Seek emergency judicial review in the district court.](#)
- viii. What are my loved one's rights regarding civil commitment?
1. If a hospital petitions the district court for involuntary commitment pursuant to [Section 7](#) and [Section 8](#) of Chapter 123, your loved one has certain rights:
 - a. Notice of the time and place of the court hearing, which must be held within five business days of the filing of the petition (unless you or your attorney requests a delay).
 - b. The appointment of an attorney to represent you at the state's expense if an individual cannot afford one.
 - c. The right to communicate with an attorney and to participate in the preparation of the case.
 - d. An independent psychiatric examination (requested through attorney).
 - e. A full adversarial hearing which he/she can attend, cross-examine witnesses through their attorney and testify on his/her behalf.
- ix. Can the hospital decide not to go forward with a civil commitment hearing?
1. Prior to the hearing, the hospital may withdraw the involuntary commitment petition if the individual agrees to sign an application for conditional voluntary admission (SEE ABOVE) and the hospital accepts that application, or the hospital decides that the individual no longer need hospitalization and can safely be discharged.
- x. How long is a civil commitment and what procedures must a hospital follow in order to keep my loved one involuntarily committed?
1. The first commitment is valid for up to six months. Subsequent commitments extending, without break, an initial six month commitment, are valid for up to 12 months.
 2. During the commitment, if the hospital determines that your loved one no longer meets the standard of current "likelihood of serious harm" due to mental illness it must discharge.
 3. Before the end of each commitment period, the hospital must file a new petition in order to continue holding your loved one involuntarily.
- k. **Discharge under Civil Commitment**
- i. Can my loved one seek judicial review if he/she is committed?
 1. [Mass. Gen. Laws ch. 123 s. 9\(a\) Appeal of a Commitment Order](#)
 - a. Section 9(a) appeals must be filed within 10 days of the judicial decision. The individual should contact either his/her commitment attorney or [the CPCS Mental Health](#)

[Litigation Division](#) regarding the possibility of filing such an appeal.

- b. Your loved one must claim that an error of law occurred regarding the prior hearing. This is different than disagreeing with the commitment decision itself.

2. [Mass. Gen. Laws ch. 123 s. 9\(b\) Application for Discharge](#)

- a. Any person may petition for a patient's discharge by applying in writing to a superior court. This application may be filed at any time and in any county and must state that the person named is improperly or unnecessarily retained. If the person does not have the ability to file the application him or herself, he/she can contact his/her attorney.
- b. Within seven days of receiving the petition, the superior court must notify the hospital and other interested persons of the time and place of the hearing. The hearing must be held promptly before a superior court judge.
- c. The court will appoint an attorney to represent the individual if he or she cannot afford one and the person has not already received an attorney through CPCS.
- d. If the judge determines that the individual does not presently meet the commitment standard, the person must be discharged. The burden of proof in these hearings is on the patient.

1. [What is a "Rogers Order"?](#)

- i. Massachusetts Guardianship Association- An affiliate of the National Guardianship Association. They provide information and resources on guardianship and conservatorship. The organization operates only to provide information and does not constitute legal advice.
 1. Guardianship of an Adult: Rogers Guardianship
 - a. <http://www.massguardianshipassociation.org/information/guardianship-of-an-adult-2/rogers-guardianship/>
- ii. Probate and Family Court Department Informative Documents, and downloadable petitions for guardianship and conservatorship
 1. <http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/upcforms.html>
- iii. Department of Mental Health Brochure on Rogers Guardianship
 1. <http://www.mass.gov/eohhs/docs/dmh/publications/brochure-rogers-guardian.pdf>
- iv. A District Court or Probate Court “Rogers” order authorizes the administration of antipsychotic medication, and can be sought in either the District Court for a person who is already involuntarily committed, or in

the Probate Court for a person who is not involuntarily committed. The District Court orders are sometimes also referred to as 8B orders.

- v. A person committed involuntarily to a mental hospital or facility in Massachusetts has the right to make decisions about his treatment, including whether to take antipsychotic medications, unless a court determines he is incompetent to make those decisions. The process that determines his competence begins when the head of the facility asks the district court where it is located to (1) determine whether the patient is competent to make treatment decisions and (2) authorize treatment with antipsychotic medication.
- vi. Before a judge can order a patient medicated, the judge must:
 - 1. Find that the person is incompetent to make an informed decision about the treatment
 - 2. Find that, if he were competent, the patient would agree to the treatment (“substituted judgment”)and
 - 3. Approve and authorize a written treatment plan.
- vii. The judge must use a “substituted judgment”—what the patient would do if he or she were competent.
- viii. Factors to be looked at in the substituted judgment decision include things such as the person's religion, the impact that a medication order would have on the individual’s relationship with his or her family (considered from the individual’s perspective), the probability of adverse side effects and the prognosis with and without treatment.
- ix. Once the Judge makes the decision to order treatment, he/she may appoint a Rogers monitor to monitor the medication treatment plan and report to the court on the effectiveness of the medication and any side effects. Rogers monitors are used more frequently for Probate Court Rogers orders. In District Court orders entered under 8B, the court most often acts as monitor.. The 8B treatment plan expires when the commitment period ends. An existing treatment plan may be modified by a petition seeking to amend the order..
- m. [Massachusetts General Law Chapter 123 Section 35: Commitment of alcoholics or substance abusers](#)
 - i. [Petition for commitment under Mass. Gen. Laws ch. 123 s. 35](#)

III. When Individuals with Mental Illness Enter the Criminal Justice System

- a. **Call your Local Police Department’s Non-Emergency Line**
 - i. If the situation is not an emergency but you’d still like the police to respond to the scene trying calling your [local police department’s non-emergency number](#).
- b. **Calling 911**
 - i. When should I call 911?

1. If you are concerned for your or your loved one's immediate safety, call 911.
- ii. What information should I provide the dispatcher with?
 1. Tell the dispatcher that your loved one is in need of a psychiatric assessment and that you need assistance.
 2. Other important information to share with the dispatcher:
 - a. Your relationship to the individual
 - b. What is your loved one doing that has you concerned for his/her or your immediate safety
 - c. Your loved one's mental health diagnosis
 - d. Your loved one's height, age and weight etc.
 - e. Any relevant medical issues
 - f. Whether the individual is in treatment for his/her psychiatric disorder (or has been treated in the past)
 - g. Whether your loved one stopped taking his or her medication
 - h. Any history of substance abuse
 - i. If the individual has access to any weapons
 - j. Any history of violence (tell them if there is a lack of history of violence)
 - k. History of psychiatric hospitalization
 - l. Any threats to harm himself/herself or others
 - m. Anything information that could help to de-escalate the situation
 - n. If your loved one has experienced a traumatic police encounter that will have an impact on how they react when they see the police.
- c. **What happens when the police respond to the scene?**
 - i. Initial Procedures
 1. It is likely that two or more officers will respond to the scene. This is standard procedure to maintain safety for all who are present at the scene. The officers may not know who is in crisis when they arrive, so, for their safety, the officers must assume anyone may be that individual.
 2. Explain what happened and what might happen when your loved one is in crisis.
 3. If you have prepared a crisis file and you feel comfortable, it may be helpful to give the police this information as it will have your contact information, your loved one's medications and other important information.

4. Describe the crisis. Repeat the information given to 911, if necessary and let the officers know of anything that has changed since you called for help.
 5. Explain how your loved one might react to multiple officers.
 6. When you speak with the police, let them know that your loved one has a mental illness that may make communicating or interacting difficult.
 7. Police will likely separate those at the scene; this is police protocol in order to get information from each individual who is present in order to get an independent story.
- ii. Pre-Booking Diversion (other options available to police officers other than arresting the individual)
1. Depending on the severity of the alleged crime, the police may let the individual off with a warning.
 2. Police may issue a citation for the individual to appear in court at a later date.
 3. If behavior meets the criteria for emergency mental evaluation, police have the authority to transport the individual to a designated mental health facility, usually an emergency department or general hospital.

d. What happens when a person with mental illness is arrested?

- i. An arrest occurs when a police officer takes a person into custody for the purpose of charging that person with a crime.
 1. To make a lawful arrest, police officers must believe that an individual has committed a crime. This belief can be the result of observing a crime or through information provided by a reliable witness.
 2. An individual may be arrested for the following reasons:
 - a. A criminal act that is occurring or has occurred and is considered to be an arrestable offense
 - b. Acts of domestic violence
 - i. Massachusetts has mandatory arrest laws that apply to any acts of domestic violence that are alleged, therefore the police are required to make an arrest if called to the scene for a domestic dispute where an act of violence occurs or is alleged to have occurred.
 - c. Because of an outstanding warrant relating to an offense or violation of a judge's order
 - d. Because of the failure to appear in court or to pay a fine
- ii. Massachusetts' Humane Practice Rule

1. The information is obtained by police (even if obtained before a formal arrest is made) may be used against the arrestee. However, Massachusetts' Humane Practice may require such statements to be suppressed due the mental illness.
 2. Massachusetts "humane" practice requires that when a defendant's confession or admission is offered in evidence, the judge must initially decide at a preliminary hearing in the absence of the jury whether the Commonwealth has proved beyond a reasonable doubt that the statement was voluntary. If not, the judge must exclude it. If the statement is admitted, the judge must then resubmit the issue of voluntariness to the jury by instructing that each juror is not to consider the defendant's statement unless, on all the evidence in the case, that juror is satisfied beyond a reasonable doubt that it was the defendant's free and voluntary act. The jury should not be told of the judge's preliminary determination of voluntariness.
 3. [Sample jury instructions on the confessions and admissions \(humane practice\)](#)
- iii. Search incident to arrest.
 1. After an arrest, the police can search the individual and any illegal items found can be taken as evidence for additional charges.
- e. **Booking Process & Interrogation by Police**
- i. What is booking?
 1. Booking is the process by which police collect information about an arrestee, including name, address, fingerprinting, photograph, and criminal record.
 - ii. What will happen during the booking process?
 1. Your loved one's name and the crime for which he/she was arrested will be recorded.
 2. A photograph (known as mug-shot) will be taken.
 3. Your loved one's personal property will be taken and held by police.
 4. Fingerprints will be taken.
 5. Your loved one will be searched.
 6. The police will check for any outstanding warrants.
 7. Your loved one may or may not receive health tests, mental health screening and suicide screening.
 - iii. Locating your loved one after they have been arrested and booked
 1. Phone calls are only allowed from a Police Station holding cell where your loved one being held, if they are arrested.
 2. If you're unsure whether an individual has been arrested or if you understand that he/she has been arrested and do not know what precinct is holding him/her, you may have to locate him/her.

- a. [Massachusetts Police Department Directory](#)
 3. An individual under arrest will be kept in a holding cell, sometimes referred to as a holding pen or jail, until he sees a court official, usually a commissioner.
 - iv. What about police interrogation?
 1. Family members should attempt to prevent the police from questioning the mentally ill family member without a lawyer present.
 - v. Before the police can question someone who is not free to leave – including a person who is under arrest – the police must read that person his/her [Miranda rights](#).
 1. A person can waive his/her right to have his/her attorney present as long as the waiver is "knowing and intelligent."
 2. Beware that a confession given during a police interrogation may be valid, even if the person questioned has a mental illness if the confession is determined to be voluntary. However, as stated above, the confession may be suppressed under Massachusetts' humane practice. (See Section III, d, iii on Massachusetts Humane Practice Rule)
- f. **Bail**
- i. What is Bail?
 1. Bail is property or money paid to the court as a guarantee that an individual, if released from custody, will return for future court dates.
 2. The process for setting bail varies from place to place. It may be set at the initial appearance, which may also be the arraignment, or at a separate bail hearing.
 - ii. Who can post bail?
 1. The individual with mental illness, or anyone over the age of 18, can post the bail amount on the individual's behalf.
 2. The person posting bail assumes responsibility for the individual's appearance in court. The individual will be released after payment and is required to appear at the arraignment.
 - iii. What method of payment can be used to pay for bail?
 1. Bail may be accepted from a defendant or surety in the form of cash, a bank check, treasurer's/cashier's check, or U. S. Government money order made payable to the person authorized to take bail.
 - iv. What happens if bail is set?
 1. If the bail commissioner does set bail, the total fee would be whatever the amount of bail is plus \$40 of which represents the

bail commissioner's fee. Example: If bail is set at \$300, the total amount to be paid would be \$340 (bail + commissioner

2. This can be paid at the police department where the arrested person is being held, by either the accused himself, or by a friend or family member.
- v. What happens if bail is **not** set?
 1. After booking at a police station, if your loved one has been accused of low-level crimes, they will almost always be released on personal recognizance. If you are released on personal recognizance (see section below), this \$40 is for the bail commissioner's fee, as any bail commissioner is required to personally appear at a police station to set bail for persons who have been arrested.
- vi. What if bail is set and cannot be afforded?
 1. If bail is set and the individual or his/her advocate cannot afford to post it to the court, he or she is held in custody until the arraignment.
- vii. Bail Hearing
 1. Typically a pretrial investigator conducts interviews to gather information for the court relevant to eligibility for release or bail. At the bail hearing, a judicial officer reviews the case and determines if the individual is eligible for release or if bail should be set.
 2. Factors that are considered:
 - a. Individual's risk for violence
 - b. Risk for escape
 - c. Likelihood to appear in court
 - d. Residency
 - e. Employment status
 - f. Previous arrest record
 - g. Severity of the charge
 - h. Stability in the community
 - i. Potential public safety risks
 3. The judge determines if the individual should be released and if so, under what conditions.
 4. Following the bail review hearing, if the individual is not released, he is transported to the local detention center and then to the appropriate courthouse on the specified trial date. A bail appeal in the Superior Court may also be requested.
 5. If your loved one is held at a detention center either before or after arraignment, there is a good chance that there will be a delay or disruption in receiving medications. This delay can be minimized

if the current prescriber faxes a list of current medications directly to the place of detention.

g. Arraignment

i. What is an arraignment?

1. If your loved one is arrested, he or she will be taken in front of a judge, without undue delay (typically within 24 hours of the arrest). The judge will hear from the police regarding any charges being brought against your loved one and may determine whether to set bail or to keep the person in jail until a trial date is set. The accused person enters a plea during this time.

ii. Entering a Plea

1. During the initial court appearance or an arraignment, your loved one will be asked to enter a plea to the crime for which he is charged.
 - a. A plea of guilty means that the individual admits to all crimes charged. An individual should meet with an attorney before pleading guilty.
 - b. A not guilty plea means the individual does not admit to the actions charged. Although the individual is not necessarily denying the charges, he is holding the Commonwealth of Massachusetts to its burden of proof (proof beyond a reasonable doubt, see glossary).
 - c. A plea of nolo contendere means the individual, while not admitting guilt, does not dispute the charge. A nolo contendere plea should not be entered unless an attorney has been consulted.

iii. How do I find out where my loved one will be arraigned?

1. Depending on where your loved one was arrested, he or she will be arraigned in a Massachusetts trial level court according to where the alleged crime took place.
2. See table (Appendix) for information regarding where the arraignment may take place and the contact information.
 - a. Information can also be found here: [Municipalities Within the Geographical Jurisdiction of Each District Court](#)

iv. What determinations are made at an arraignment?

1. At the initial appearance or arraignment, a judge will determine if the person should be:
 - a. Released on bail, or should have the amount of his bail raised or lowered. (See Bail)
 - b. Released on personal recognizance (link to bring you to Personal Recognizance section and a link for the glossary)
 - c. Released with conditions imposed.

- d. Remanded or held in jail without bail.
- e. Appointed an attorney if the individual cannot afford private representation.

h. **What is a misdemeanor? What is a felony?**

i. Misdemeanor

- 1. In Massachusetts, a misdemeanor is any criminal offense that does not carry the potential for state prison time. They can, however, carry a jail sentence, typically up to 1 year (but maximum of 2 ½ years).
- 2. Those who are convicted of misdemeanors will serve their sentence in a jail.

ii. Felony

- 1. Felonies are those criminal offenses that are punishable by a period of incarceration in prison for more than 1 year.
- 2. Those who are convicted of misdemeanors will serve their sentence in a state prison.

iii. [Felony and Misdemeanor Master Crime List](#)

i. **Legal Representation**

i. What does it mean to have counsel “appointed”?

- 1. If your loved one cannot afford a lawyer, the court will appoint a lawyer to represent him/her.
- 2. Massachusetts’s law provides for the appointment of a lawyer from the [Massachusetts Public Defender’s Office known as the Committee for Public Services](#), if a person cannot afford to pay for a lawyer on his/her own.
 - a. However, if you’re loved one is facing only misdemeanor charges that will not result in any jail time, he/she may not be eligible for a public defender.
 - b. These appointments will only be guaranteed to your family member in cases where a prison sentence is likely.
 - c. Locate a [Public Defender Office](#)
 - i. [Public Defender Division of CPCS](#)

ii. If my loved one can afford an attorney or is not eligible to receive an appointed attorney, what steps should be taken?

- 1. Find a lawyer who specializes in representing people with mental illness.
 - a. [Massachusetts Bar Association Lawyer Referral Service](#)
 - b. [NAMI Legal Support Information](#)
 - c. [NAMI Mass Legal Resources](#)
 - d. [Massachusetts Legal Aid Directory](#)
 - e. [Massachusetts Association of Criminal Defense Lawyers](#)

2. Before hiring a lawyer, you should always meet them and interview him/her.
 3. Questions to ask yourself before hiring the attorney:
 - a. Does the lawyer seem interested in this case?
 - b. Is the lawyer experienced?
 - c. Is the lawyer friendly and easy to communicate with?
 - d. Does my family member feel comfortable with the lawyer?
 - e. Does the lawyer have any background in cases involving mental illness?
 4. Discuss costs and ask for a written fee agreement. You should also ask the attorney to explain his/her ethical obligations and the attorney/client relationship. Although you may be paying the attorney's fees, the attorney's ethical obligations are to the client he or she is representing in the criminal proceeding.
 5. Provide information in writing to the attorney. A criminal defense attorney may spend a great deal of time in court and may not be easily reachable by telephone. Not have time or be available for phone call. Provide the following information:
 - a. Psychiatric and other health history, hospitalizations, substance abuse treatment if applicable, past and current psychiatric medication and treatment, contact information for the current psychiatrist, case manager, and other mental health service providers
 - b. Names and contact information for witnesses who can confirm the mental illness and behavioral symptoms
 - c. List of any stressors at the time of the offense
 - d. Any criminal history or other legal problems
 - e. SSI payments or other payments for a disability
 - f. Education and job history; other community supports and resources available to the individual (faith community, social services, family and friends, etc.)
- iii. What is the prosecution's role?
1. The prosecutor represents the state and it is their job to prove any charges against your loved one by gathering evidence and presenting it in court.
 2. It is also in his/her authority to drop charges, make plea bargains or reduce charges.
 3. It is generally inappropriate for friends or family to contact the prosecutor without the defense attorney's consent. But if the defense attorney feels that the prosecutor assigned to the case is not knowledgeable about the influence mental illness can play in

criminal behavior, the defense attorney may consider discussing the issue with the prosecutor's supervisor.

a. [Locate your District Attorney Offices by City or Town](#)

j. **Preliminary Hearing (misdemeanors or felonies)**

i. What is a Preliminary Hearing?

1. A judge will officially decide whether or not the state has enough evidence to make a person stand trial.

a. In making this decision the judge will invoke "probable cause" to determine if a reasonable jury could convict the defendant on the evidence that the prosecution has presented.

i. In deciding whether or not there is substantial evidence to hold a trial, the prosecutor and the defense attorney will attempt to convince the judge that there is either sufficient or insufficient evidence for a trial to be held.

ii. If the judge concludes that the prosecution could successfully persuade a jury, the judge will allow the process to continue.

iii. If the judge concludes that the prosecution could not successfully persuade a jury, the judge will likely dismiss the charges.

iv. The judge can also reduce the charge if it is determined that the evidence offered can only support a lesser charge.

ii. Can a preliminary hearing be waived?

1. The preliminary hearing is typically waived in a misdemeanor case (heard in District Court) if an attorney enters his appearance (meaning he notifies the court that he is representing the defendant.)

k. **[Grand Jury](#) (felonies)**

i. A grand jury is a group of private citizens who are assembled for a specific term to review all cases that the prosecution intends to bring. The grand jury reviews the evidence of the prosecution to determine whether there is probable cause to support the charge.

l. **Court System in Massachusetts**

i. Trial Court

1. The trial courts form the largest part of the system. When cases are started in Massachusetts's courts, they are brought to the trial court. The trial court is subdivided into 7 departments, which are each designed to handle particular kinds of cases, although many of these courts share jurisdiction with the other trial courts.

- a. [Boston Municipal Court Department](#)
 - b. [District Court Department](#)
 - c. [Housing Court Department](#)
 - d. [Juvenile Court Department](#)
 - e. [Land Court Department](#)
 - f. [Probate and Family Court Department](#)
 - g. [Superior Court Department](#)
2. For purposes of this guide, the District Court Department and the Superior Court Department are the two in which will be most important to look at.
- a. **District Court**—the District Court hears a wide range of criminal, civil, housing, juvenile, mental health, and other types of cases. District Court criminal jurisdiction extends to all felonies punishable by a sentence up to five years, and many other specific felonies with greater potential penalties; all misdemeanors; and all violations of city and town ordinances and by-laws. However, a District Court cannot impose a sentence of more than 2 ½ years in a house of correction and may not sentence someone to state prison. In felonies not within District Court final jurisdiction, the District Court conducts probable cause hearings to determine if a defendant should be bound over to the Superior Court. District Court magistrates conduct hearings to issue criminal complaints and arrest warrants, and to determine whether there is probable cause to detain persons arrested without a warrant. Both judges and magistrates issue criminal and administrative search warrants.
 - b. **Superior Court**— the Court has exclusive original jurisdiction in first-degree murder cases and original jurisdiction for all other crimes. It has jurisdiction over all felony matters, although it shares jurisdiction over crimes where other Trial Court Departments have concurrent jurisdiction. Finally, the Superior Court has appellate jurisdiction over certain administrative proceedings, as well as bail appeals.
 - c. **Boston Municipal Court Department**— Criminal jurisdiction of the Boston Municipal Court includes most criminal offenses, which do not require the imposition of a state prison sentence. If a prison sentence is mandated, the Court may conduct probable cause hearings to determine whether offenses will be bound over to the Superior Court.

The Court has original jurisdiction over a number of serious felonies, concurrent with the Superior Court.

ii. Court Based Jail Diversion Initiatives in Massachusetts

1. **Boston Municipal Court Department Central Division Mental Health Diversion Initiative** (MDHI). This is a mental health specialty court and is a partnership between Boston Emergency Services Team Jail Diversion Program (run by Boston Medical Center Department of Psychiatry); Boston Municipal Court Central Division; Suffolk County District Attorney's Office along with the Committee for Public Counsel Services; Boston Municipal Court Probation Department; and the Massachusetts Mental Health Diversion and Integration Program of the University of Massachusetts Medical School.

a. MDHI is available for defendants who have been placed on supervised probation pursuant to a guilty finding or disposition of a continuance without a finding. It offers defendants with serious and persistent mental illness an opportunity for appropriate mental health treatment in the community arranged by the MDHI social worker and overseen by the Court.

b. To fulfill its role linking court session clients to community treatment providers, BEST MDHI clinical staff attends the weekly court session; meets with clients, their families, attorneys, and providers. The court tracks new participants on a regular basis until adequate community services are in place. Later, the frequency of contact with the court depends on the individual's stability and compliance with probation conditions

c. Contact Information:

Meredith Lipman

(617) 414-8323

Meredith.Lipman@bmc.org

2. **Recovery with Justice: Springfield Specialty Court**. Mental Health Session is a court-imposed condition of probation for defendants before the court who have serious mental health issues or co-occurring mental health and alcohol/substance abuse issues.

a. Goals of the program:

i. Divert offenders with mental illness from incarceration and into community treatment.

ii. Assist offenders with mental illness in maintaining treatment, housing, benefits & community support services.

- iii. Reduce repeated criminal activity by offenders with mental illness or co-occurring mental illness and substance abuse problems.
 - iv. Support effective communication between the criminal justice and mental health systems.
 - v. Enhance public safety.
 - b. [Springfield Specialty Court Participant Handbook](#)
 - c. A [referral form](#) can be accepted if submitted by any of the following:
 - i. District Court Judges
 - ii. Assistant District Attorneys
 - iii. Defense Attorneys
 - iv. Probation Officers
 - v. Jail Officials
 - d. Contact Information:
Springfield Specialty Court
Jeanette Walker
(413) 301-9495
Jeanette.Walker@bhninc.org
3. **Plymouth Mental Health Court** is an initiative launched in August 2010 in partnership between the District Court, the Department of Mental Health and the District Attorney, Committee for Public Counsel Services (CPCS), Probation and the Sheriff's department, local police departments and local community agencies.
- a. This mental health court works with program participants who are diverted to the community post-adjudication of the criminal case.
 - b. Contact Information:
Plymouth Mental Health Court
Department of Mental Health Forensic Services
(413) 587-6244
John.Barber@state.ma.us
4. **MISSION Direct-Vet** (**M**aintaining **I**ndependence and **S**obriety through **S**ystems **I**ntegration, **O**utreach and **N**etworking). This is a court-based jail diversion program for veterans. For 12 months individuals regularly meet with a treatment team to address mental health and substance abuse issues. Throughout the program a peer specialist and case manager work with the individual to connect them with additional services as needed. These services may include medical and mental health care, substance abuse treatment,

veterans' services, vocational programs, transitional residence programs and family support.

- a. Eligibility:
 - i. A history of military service (conditions of discharge are not an issue)
 - ii. Current involvement with the criminal justice system (pending charges)
 - iii. Mental health problems
 - iv. Alcohol and/or substance abuse difficulties
 - v. Able to receive and access services in one of our service delivery areas (Worcester, Essex or Plymouth County)
- b. MISSION- Direct Vet Locations/Contact Information:
 - i. Worcester MISSION- Direct Vet:
David Goldstein
(508) 373-7995
Dgoldstein@communityhealthlink.org
 - ii. Lawrence MISSION-Direct Vet
(1-866) 309-3359 (toll free)
mission.direct.vet@umassmed.edu

5. **Court Clinic Services.** Court clinics provide forensic mental health services to the District and Superior Court Departments of the Massachusetts Trial Court. This includes a range of evaluation, referral and consultation/liason services.

- a. Court clinic services are available to be utilized by any individual in the Commonwealth, though there may not be a Court Clinic on site. Social workers, psychologists and some psychiatrists are available to every (approximately 75) district and superior court in the Commonwealth.
- b. Often clinicians evaluate court-referred cases and identify appropriate treatment services, which can serve to divert them from the criminal justice system. In some cases, criminal cases are converted to civil cases resulting in hospitalization or outpatient care. Keep in mind, however, that any information your loved one provides to the court clinician will not be covered by the usual privilege and confidentiality. The court clinician should explain these limits of confidentiality.
- c. Court Clinics cannot be contacted by individuals/family members/friends with regard to evaluations regarding trial issues (i.e. competency, lack of criminal responsibility) but they may use the services on an inquiry bases for asking

questions/finding out information regarding other matters such as civil commitments under Section 12 and Section 35.

6. **Drug Courts.** Given the high prevalence of addiction and substance use disorders in people living with mental health issues, drug courts could provide another outlet out of the criminal justice system.
 - a. [Massachusetts Drug Courts](#)

m. Pretrial

i. Pretrial Release

1. Your loved one may be able to be released on his/her personal recognizance, which means that the court has determined that he/she is likely to show up for court appearances on his own accord. A person is released on personal recognizance does not have to post bail.
2. [Release on personal recognizance or unsecured appearance bond; determination; fees; refusal; petition for review](#)
3. [Conditions for release of persons accused of certain offenses involving physical force or abuse; hearing; order; review](#)
4. [Revocation of release and detention order following violation of release conditions](#)

ii. Pretrial Options:

1. Prosecutor may drop charges
 - a. The prosecutor may decide not to file charges.
 - b. If this happens, the judge will dismiss the case, and, unless the prosecutor asks for more time to do an additional case investigation, the individual will be released from jail.
 - c. While the initial case may be dismissed, new charges may be filed if new evidence is discovered.
 - i. If the case is dismissed because no charges are filed, confirm that the prosecutor has a usable address for the individual, in order to notify him if new charges are filed.
2. Judge may dismiss the case
 - a. The judge has the authority to dismiss a case.
 - b. This decision may be based on the actions of members of the criminal justices system or the lack of a substantial case against an individual.
3. Deferring Prosecution/Staying the Proceedings
 - a. The prosecutor may offer, and the judge may approve, a deferred prosecution of the charges if the person agrees to participate in a treatment program for a specified period of

time and to successfully complete all program requirements. Upon successful completion of the treatment program, charges may be dropped or reduced.

4. Plea Bargains

- a. Prosecuting and defense attorneys often negotiate deals known as plea bargains.
- b. The prosecutor may offer to ask the judge for a reduced sentence if the individual pleads guilty. A specific probationary or final sentence may be negotiated.
- c. The prosecutor may offer to allow the person to plead guilty to a lesser charge.
- d. A negotiated sentence may include treatment conditions. However, it is important for attorneys and their clients to consider the terms carefully, so the individual has a chance to succeed and doesn't lose the ability to exercise informed consent or to participate in his/her own treatment planning.
- e. The judge must approve all plea bargains and makes the final decision about sentencing. The judge and prosecutor must regard the safety of the community as their priority.
- f. The individual may require help and treatment of the underlying mental illness to comply with conditions of release.
- g. While the individual's supporters may view getting the individual into treatment as the best plan, the defense attorney likely believes that accepting the least severe charge and the shortest resulting sentence are in the individual's best interest.
- h. The defense attorney has the obligation to describe all of the pros and cons of any plea bargain offer to his client.

5. Pretrial Probation

- a. In most cases involving pre-trial probation, the defendant has been arraigned on the criminal charges, and agrees to abide by certain conditions of release while the case is pending.
- b. Conditions of release might include staying away from or paying restitution to an alleged victim, performing community service hours, attending a court-ordered educational class, or a combination thereof.
- c. If after a certain period of time (usually 3- 6 months) and before the case is brought to trial, the defendant abides by all conditions of release; the judge will dismiss the case.

- d. This is a much better disposition than a Continuance Without a Finding (CWOFF, see below) because you are not admitting to sufficient evidence for a guilty finding. Therefore, it cannot be held against you as a prior offense if you are ever charged with a crime in the future.
 - e. Additionally, violating the conditions of pre-trial probation, in and of itself, will not result in the imposition of a conviction or jail time. However, violation of pre-trial conditions will cause the case to be brought back before the court and put on the trial list for full prosecution.
6. Continuance without a finding (CWOFF):
- a. It is an admission of guilt or an "admission to facts sufficient for a finding of guilt."
 - b. Through this plea, the defendant admits to sufficient facts and in return, the court makes a determination that there exists sufficient evidence to support a guilty finding, but it does not officially enter a finding of guilty. Instead, the court continues the case "without a finding" for a set period of time during which time the defendant is formally placed on probation.
 - c. If the defendant satisfies the conditions of probation, the case is dismissed by the court without a conviction
7. Collateral Consequences of Pre-trial Options:
- a. Note that each of these possible resolutions to the criminal case may have different consequences for things like your loved one's ability to find a job, be eligible for subsidized housing, or stay in the country (if an immigrant.) These are sometimes referred to as "collateral consequences" and can come about automatically or anytime the individual applies for something that triggers a check of the Criminal Offender Record Information system "CORI." The defense attorney should fully inform your loved one about these consequences.

n. Mental Health Issues That Can Arise at Trial

i. Competency

1. What is Competency and why is it important?

- a. Competency means that a person "has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding—and whether he has a rational as well as factual understanding of the proceedings against him."

- b. Understanding competency is important because no person can be tried or sentenced for a crime if, because of a mental disease or defect, he/she cannot understand the nature of the proceedings against him or assist his lawyer in preparing his defense.
 - c. The [due process clause of the Constitution](#) provides that no defendant can be tried or sentenced if – because of a mental disease or defect he cannot understand the nature of the proceedings against him or cannot assist his lawyer in preparing his defense.
 - d. The defendant is entitled to a hearing on the question of competence to stand trial if substantial doubt exists as to competency but there is no right to a jury trial on issue of competency to stand trial in MA, only a hearing. [Mass. Gen. Laws. ch. 123 s. 15\(d\)](#).
 - e. The judge at a criminal trial has a constitutional obligation to raise the issue of the defendant's competence to stand trial when the defendant exhibits behavior in the courtroom that tends to indicate that he is not competent.
 - f. The issue of competence to stand trial focuses on the mental state of the defendant at the time of trial, not his mental state at the time of the acts leading to the criminal charge.
2. What is a court ordered evaluation for competency?
 - a. Must be requested at a formal hearing before a judge, which could occur at bail review, at trial or any time in between. The attorney is in charge of making such a request.
 - b. A competency evaluation is a formal review of the individual's ability to understand the court process, the offense being charged, the possible penalty, and the possible dispositions, as well as his or her ability to assist defense counsel.
 - c. The issue of the individual's competency to make informed decisions can be raised by the prosecutor, the defense attorney, or the judge at any point in the trial process.
 - d. [Mass. Gen. Law ch. 123 s. 15 regarding competency and evaluations for competency](#)
 3. What happens if a person is found legally incompetent to stand trial?
 - a. When a person is found incompetent to stand trial, he/she may be committed to a mental health treatment facility

until he/she has regained competence. Alternatively, but less frequently, the person may remain in the community pending restoration to competency. A male defendant should not be committed to Bridgewater as a matter of course, but only if a judge finds that no DMH facility can provide sufficient security.

- b. If a commitment petition is filed, the person will be automatically appointed a mental health attorney from the [Committee for Public Counsel Services, Mental Health Litigation Division](#).
 - c. If found incompetent to stand trial, trial of the criminal case will be stayed until the defendant becomes competent to stand trial, unless the case is dismissed.
 - d. He/she may be held in this status only for a reasonable period.
 - e. [Mass. Gen. Laws ch. 123 s. 16 regarding the hospitalization of persons incompetent to stand trial](#)
- ii. “Insanity” as a defense → known in Massachusetts as “Lack of Criminal Responsibility”
1. Insanity defense v. Lack of Criminal Responsibility
 - a. The term “insanity defense” is a shorthand colloquialism for a claim that the defendant **lacked criminal responsibility**.
 - b. The phrase “insanity defense” should be avoided because the reference to the “defense” of insanity may mislead the jury as to the burden of proof.
 - i. In Massachusetts, prosecutors have the burden of proving a defendant lacked criminal responsibility at the time of the alleged crime. Once the issue of criminal responsibility has been raised by the defendant, the Commonwealth must prove both the defendant’s substantial capacity to appreciate the wrongfulness of his conduct and his substantial capacity to conform his conduct to the requirements of the law.
 2. What is a “lacking criminal responsibility” defense and when is it used?
 - a. A defense of lack of criminal responsibility may be raised by “any evidence, which, if believed, might create a reasonable doubt concerning the defendant’s criminal responsibility at the time of the crime.”

- b. A person is lacking in criminal responsibility if he/she has a mental disease or defect, and as a result of that mental disease or defect either he/she is substantially unable to appreciate the criminality (wrongfulness) of his/her conduct, OR he/she is substantially unable to conform his/her conduct to the requirements of the law.
 - c. All defendants are presumed by law to be sane, and lack of criminal responsibility must be raised by the defense.
 3. What is a court ordered evaluation for lack of criminal responsibility?
 - a. Must be requested (by the defense attorney) at a formal hearing before a judge.
 - b. The evaluation addresses whether, at the time of the alleged offense, the individual, “due to a mental disease or defect” was unable to either conform his behavior to the law or to appreciate the criminality of the charged conduct.
 - c. Although a criminal responsibility evaluation may be requested by a defense attorney early in the proceedings, the defendant must be competent to stand trial in order to actually use a lack of criminal responsibility defense. This defense cannot be asserted without the agreement of the defendant.
 4. What could happen to someone if he or she is found not guilty by reason of lack of criminal responsibility?
 - a. Since this finding is a type of acquittal, the person may be released directly from court. More frequently, a judge may order such a person to be hospitalized for an initial 40-day observation period, either at a facility for the mentally ill or, in certain cases, under strict security at [Bridgewater State Hospital](#).
 - b. During that period, the district attorney or certain mental health personnel may petition the court to commit the person for up to 6 months.
 - c. When a petition is filed, the person is automatically assigned a mental health attorney from the [Committee for Public Counsel Services, Mental Health Litigation Division](#).
 - d. If it is shown beyond a reasonable doubt that the person continues to be mentally ill and that his/her discharge would create a likelihood of serious harm to him/herself or to others, a judge may grant the petition and order the person committed for up to 6 months.

- e. After that, a judge will review the person's mental condition at least once a year, and there may be additional periods of commitment if he/she continues to be mentally ill and dangerous. If the person is no longer mentally ill or is mentally ill but no longer dangerous, he/she will be discharged. If the person has been committed to Bridgewater, it is likely that he will go to a DMH facility before returning to the community.

5. [Sample of Jury Instructions on Lack of Criminal Responsibility](#)

- iii. What is the difference between competency to stand trial and lack of criminal responsibility?

1. The issue of competence to stand trial focuses on the mental state of the defendant at the current stage in the trial process, not his mental state at the time of the acts leading to the criminal charge.
2. Lack of criminal responsibility focuses on the defendant's mental state at the time of the acts leading to the criminal charge.

o. **Going to Trial**

- i. What is a trial?

1. A trial is an adversarial process during which the prosecution and the defense get to tell their side of the events leading to the criminal charges.
2. Any individual with mental illness who is deemed competent to stand trial will make the final decision, with their attorney, about how to proceed with the case, whether to bring up mental health issues at trial, and whether treatment should be part of any plea bargain or other disposition.

- ii. Burden of Proof

1. The prosecutor must prove the individual's guilt beyond a reasonable doubt.

- iii. Jury Trial or Bench Trial?

1. [About the Massachusetts Jury System](#)
2. An individual charged with a crime for which the possible penalty is ninety days' incarceration or greater is entitled to a jury trial. However, the individual may waive the right to a jury trial and be tried by a judge.
3. The request for a jury trial must be filed at least fifteen days before the scheduled trial date.
4. The individual should discuss the options with the defense attorney. The decision to pursue a jury trial instead of a bench trial depends on a variety of factors, which the individual should discuss with the defense attorney.

- iv. Presence of Family and Friends at Trial

1. What should the role of family and friends be?
 - a. Having family and friends at the trial helps the individual feel supported, and lets the judge and jury know that the individual has community support.
 - b. Family and friends are not allowed to speak to the individual, the judge, the jury, or even to the attorneys without the court's permission.
 2. Testimony of family and friends
 - a. If family, friends, and advocates are interested in testifying on the individual's behalf, they should speak to the defense attorney before the case goes to court.
 - b. Your loved one's defense attorney will know best what will help his/her case.
- p. **Conviction and Sentencing**
- i. Massachusetts Sentencing Guidelines
 1. If your loved one is convicted of the charged crime at trial, the judge, using [legislatively mandated guidelines](#), will impose a sentence.
 - a. [Massachusetts Sentencing Commission](#)
Three Center Plaza, Suite 700
Boston, Massachusetts 02108
Telephone (617) 788-6867
Executive Director: Francis J. Carney, Jr.
 2. The guidelines may allow some judicial discretion, dependent on a variety of factors. These include:
 - a. The individual's criminal and social background,
 - b. Mitigating factors
 - c. Severity of the crime
 - d. Presentence investigation report
 - e. Victim impact statements
 3. [Sentencing for offenses with mandatory minimum sentences of incarceration.](#)
 - ii. What are the different types of sentences given?
 1. Jail term (misdemeanor conviction)
 2. Prison term (felony conviction)
 3. Conditional discharge
 4. Fines
 5. Restitution to the victim
 6. Community service
 7. Probation
 - iii. Presentence evaluation

1. A pre-sentence evaluation, including a psychiatric evaluation, can be ordered by the judge after a conviction to identify any mental health issues prior to sentencing.
 2. Information learned through the evaluation can help the judge create an appropriate sentence, possibly including treatment recommended by the evaluator.
- iv. Presentence Report
1. What is a presentence report and how is it used?
 - a. A presentence report provides is a background investigation, conducted upon request by the court after a person has been convicted but before he or she has been sentenced.
 - b. The report contains information about the person's prior criminal history (if any), background and community supports, and the circumstances of surrounding the crime.
 - c. It is used by the sentencing judge to determine the individual's risk to the community and the proper sentence to impose.
- v. Mitigation
1. What are mitigating circumstances?
 - a. Mitigating circumstances can show the Court that a lesser sentence may be appropriate.
 - b. Mitigation can be looked at as an explanation of the influences leading up to the crime.
 2. What can mitigation do?
 - a. Mitigation evidence can be used to argue for shorter terms of incarceration, for various forms of diversion from jail or prison to other systems, or probation with special conditions instead of incarceration.
- q. **Jails in Massachusetts**
- i. How are jails in Massachusetts organized?
 1. Ordinarily jail houses individuals convicted of a misdemeanor serving less than 1 year (maximum of 2 ½ years in MA) and also serve as a temporary housing pending transfer elsewhere.
 2. While typically the prison system sticks to this difference, jails do not. Jails can hold individuals pending arraignment, conviction or sentencing, probation or parole violators, for the military or courts, inmates pending transfer to other facilities, house inmates for other facilities due to overcrowding and hold inmates sentenced for short terms. Jails can serve a wide variety of purposes while prison serves one main purpose, to house inmates convicted of felonies serving longer than 1-year time. Although sometimes an inmate in

prison may serve less than one year if given credit for time served in county jail awaiting conviction or sentencing.

3. Based on the fact that jails serve a variety of purposes, individuals convicted of felonies can serve time in jail instead of prison. If the individual has been convicted in court of a felony and is awaiting sentencing, the individual's time is spent in jail. If the state or federal prison system is overcrowded, the jail can lease out some of its facility to house these individuals convicted of felonies. Just based on these two scenarios we can see that jails will house felons with no specific time limit.
- ii. What mental health services are offered in Massachusetts' jails?
1. Mental health services are provided to men and women detained or housed in each of the County Houses of Correction and Jails, but to varying degrees and quality.
 2. All 10 county facilities accredited by the National Commission on Correctional Healthcare must provide mental health screening and triage, a suicide prevention program and provisions for medication administration and hospital transfers.
 3. The largest numbers of mentally ill individuals are housed or detained in jails and houses of correction as opposed to State prisons. (National Institute of Corrections 2006)
 4. The continuum of care in a county or state correctional mental health system must include the following services and beds:
 - a. Screening, assessment and triage;
 - b. Crisis Intervention services and beds for short-term treatment;
 - c. Acute care services and beds, including a suicide prevention program and suicide-resistant rooms;
 - d. Chronic care, special needs, or residential treatment units, for inmates who cannot be housed in general population due to mental illness;
 - e. Inpatient psychiatric hospital beds and services;
 - f. Outpatient treatment services, with sufficient space for clinical office space; and individual and group therapy sessions;
 - g. Court evaluation services for competence to stand trial, criminal responsibility and as an aid to judges in dispositional decision making;
 - h. Consultation services to security, medical and substance abuse staff; and,
 - i. Reentry, discharge or aftercare planning; and community services and beds.

- iii. What if my loved one is being denied mental healthcare while in jail or is being held in solitary confinement?
 1. Contact [Mental Health Legal Advisors Committee](#) (provide their services only with regard to jails NOT prison).

r. **Corrections System**

- i. The [Massachusetts Department of Corrections](#) is responsible for operating the prison system of the Commonwealth of Massachusetts.
 1. [Mass DOC Program Description Booklet](#)
 2. [DOC Programs](#)
- ii. [Probation](#)
 1. A person on probation is ordered to follow certain conditions set forth by the court, often under the supervision of a probation officer.
 2. [Massachusetts Probation Fact Sheet](#)
- iii. Prisoner's Right to Adequate Medical Care
 1. Under the [Eighth Amendment](#), prison officials are obligated to provide prisoners with adequate medical care. This principle applies regardless of whether the medical care is provided by governmental employees or by private medical staff under contract with the government.
 2. [American Civil Liberties Union- Know Your Rights: Medical, Dental, and Mental Health Care](#)
 3. [Prisoner's Legal Services of Massachusetts](#)
 4. [Important case law in Massachusetts regarding Medical and Mental Health](#)
 5. What services are in place to make sure that my loved one will get treated while in prison?
 - a. Screening within 14 days. Assessment and screening of inmates begins during the initial receiving and booking procedure. In addition to the physical assessment, all inmates undergo a dental and mental health evaluation performed by a nurse within 14 days of admission.
 - b. Individualized treatment plan. Based on the initial evaluation, inmates with chronic or serious illnesses are provided appropriate treatment in accordance with an individualized treatment plan. Includes the following:
 - i. On site pharmacy
 - ii. A daily sick call triage system in the inmate housing units
 - iii. Nursing clinic in the health services department
 - iv. On site mental health and substance abuse services

- v. Prisons must have a sufficient number and multiple levels of designated mental health facilities and effective mechanisms for prisoners to request treatment.
 - c. Health education.
 - d. Adequate staff training input from mental health staff on housing decisions and quality assurance programs.
 - e. Prisoners with mental illness may not be placed in segregation without sufficient mental health treatment, nor can security personnel override treatment decisions.
 - f. Multi-lingual mental health staff. The right to treatment requires a sufficient number of multi-lingual mental health staff to effectively screen and treat non-English speaking inmates.
 - g. Discharge planning, case management and continuity of care. Upon discharge a prisoner who requires medication must be given a sufficient supply for the period of time reasonably necessary for him to consult a doctor and obtain a new supply after release.
- iv. [Guide of DOC Facility Security Levels](#)
 - v. [Massachusetts Parole Board](#)
 - 1. The [Massachusetts Parole Board](#) is an agency within the Executive Office of Public Safety authorized to grant paroles, supervise the parolee, and make recommendations to the Governor in regard to pardons and commutations.
 - 2. [Transitional Services Unit](#) prepares all state and county parole release, revocation, and rescission cases to be heard by the Massachusetts Parole Board or one of the agency's hearing examiners.
 - 3. [Guide to Parole Hearing Process](#)
 - vi. [Family and Friends of Inmates Resources](#)
 - vii. [Locate your loved one within the Massachusetts Department of Corrections](#)
 - viii. [State Facilities Visiting Policies](#)
- s. **Post-Conviction**
 - i. New Trial or Appeal
 - 1. What is a motion for a new trial?
 - 2. If after consulting with his or her defense attorney, your loved one does not agree with the verdict or the sentence imposed, and there is a legal basis for doing so, a motion for a new trial can be filed. Motions for a new trial are granted infrequently.
 - 3. What if the motion for a new trial is denied?

- a. If a motion for a new trial is denied, an appeal can be filed with an appellate court.

4. Appellate Process

- a. What is an appeal and what could happen?
 - i. An appeal is the review of a trial court judge's decisions by a higher court.
 - ii. The defendant's right to appeal a conviction is automatic in most states. The only issue that is open to appeal is whether or not the judge made a legal error during the trial.
 - iii. A conviction will only be overturned where there was substantial legal error. A conviction may be reversed and a new trial ordered in some cases.
 - iv. In other cases, errors by the trial court judge may be deemed to have been harmless (harmless error), and the conviction will likely be upheld even though there was some error by the trial court judge.

5. Where will my loved one's appeal be heard?

- a. If the original trial was in District Court, the appeal will be heard in the [Massachusetts Appeals Court](#).

Massachusetts Appeals Court
John Adams Courthouse
Suite 1200
One Pemberton Square
Boston, MA 02108

6. Can all appeals be heard in the Massachusetts Appeals Court?

- a. No. Certain types of appeals are not heard before the Massachusetts Appeals Court and are heard instead by the [Supreme Judicial Court](#), which is the highest Court in the Commonwealth of Massachusetts.
 - i. For example, an appeal from a conviction of first-degree murder goes directly to the Supreme Judicial Court.
- b. The Supreme Judicial Court can also elect to bypass review by the Appeals Court and hear a case on "direct appellate review."

Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Suite 2500
Boston, MA 02108

ii. Preparing for Release

- 1. [Massachusetts DOC Reentry and Reintegration Resources](#)

- a. [Reentry Brochure for Friends and Family of Inmates](#)
 - b. [Department of Correction Reentry Continuum](#)
 - c. [Regional Reentry Centers](#)
2. Re-entry services and community corrections interventions as diversion initiatives
- a. **[Forensic Transition Team](#)** (FTT) helps to improve the quality of life for adults with serious and persistent mental illness who become incarcerated or detained in correctional settings. FTT staff is available to all correctional facilities to assist in re-entry planning for persons who are authorized to receive DMH services.
 - i. FTT staff often provide informal information and referrals for non-DMH involved individuals who may be seeking mental health services upon release.
 - ii. Contact information:
Forensic Transition Team
Paul Benedict, LICSW
(617) 626-8097
Paul.benedict@state.ma.us
 - b. **Inmates who are not served by the Forensic Transition Team** also receive some discharge assistance. Under DOC policy, all inmates who are within one year of their scheduled release dates receive comprehensive transition plans that address their mental health concerns.
 - i. DOC policies require that three months prior to release all inmates receiving mental health treatment be assessed for post-release treatment needs. These inmates are provided with written after-care plans and receive referrals to community-based providers.
 - ii. In addition, DOC provides inmates with up to a 30-day supply of prescription medication on discharge.
 - c. **Juvenile Forensic Transition Services** (JFTC) provides a means for the [Department of Youth Services](#) (DYS) to consult directly with the DMH for youth served by the statewide [DYS Butler Center](#) program which houses DYS' clinically complex young men.
 - i. The JFTC assists the Butler Program and DYS in early identification of youth who appear to have serious mental illness and by working to streamline access to adult DMH services, where appropriate.
 - ii. Contact information:

Juvenile Forensic Transition Services

Bill Dimmick

(617) 626-8095

William.Dimmick@state.ma.us

d. **MISSION-CREW** (MISSION: Maintaining Independence and Sobriety Through Systems Integration, Outreach and Networking: Community Re-Entry for Women) offers reentry services to women with co-occurring mental health and substance use disorders and histories of trauma incarcerated at MCI Framingham and South Middlesex Correctional Complex being released to the greater Boston area.

i. The project seeks to provide training related to trauma-informed care and to increase stakeholder engagement in reentry programs for people with co-occurring disorders. The initiative seeks to reduce criminal justice involvement of women with co-occurring mental illness and substance use disorders through use of evidence-based practices that includes trauma-sensitive treatment, care coordination and peer support.

ii. Contact information:

MISSION-CREW

Nancy Sali

(508) 532-5100 x 107

nancy.Sali@state.ma.us

iii. **Release from Incarceration**

1. Medicaid Services

a. The offender would have to be otherwise Medicaid eligible.

b. What services are covered?

i. Inpatient stay (after 23 hours), retroactive for 90 days so transportation (ambulance) will be covered too

ii. Federal Medicaid regulations forbid Medicaid funding for medical care provided to offenders of a public institution, except when the offender is a patient in a medical institution outside of the penal system.

iii. Medicaid will pay for 50% of the cost for screening / enrolling the eligible population

- iv. Off-site- Inpatient stay for all offenders when the stay lasts for more than 23 hours (bypass surgeries, inpatient cancer treatments, ICU admissions etc.)
- v. Re-entry- Accessing available health care resources in community; continuity of care, MH services / meds, Substance Abuse Services and supporting services like housing, transportation etc.

IV. APPENDIX

a. C.I.T./Specialized Training Services in Massachusetts

Jail Diversion Program	Contact
NAMI Berkshire County Crisis Intervention Team Training	Marilyn Moran (413) 443-1666 the_morans@verizon.net
Taunton Community Crisis Intervention Team	Kathy Lalor (508) 977-8138 KLalor@comcounseling.org http://ccittauntonma.weebly.com/
Northampton Mental Health First Aid	Lt. Dorothy Clayton (413) 587-1144 Dclayton@northamptonma.gov
Somerville Mental Health First Aid	Thomas Pasquarello, Chief of Police 617-625-1600

b. Mental Health Legal Advisors Committee Intake Services Chart

Intake Services Covered by Mental Health Legal Advisors	
Community Based Mental Health Services	Denial or termination of DMH's Community Based Flex Supports (CBFS) services. Denial or termination of MassHealth's Children's Behavioral Health Initiative (CBHI) services.
Education	Denial of appropriate educational services to youth under 22 years old confined in a DYS or DMH run facility, county jail, or prison. Exclusion from school as a result of school disciplinary action. Police arrest as a result of school disciplinary action. Access to SPED services for ELL students. Restraint and seclusion.
Family Law	Custody or visitation rights to their children for parents with mental illness. Inappropriate intervention or refusal of services by DCF that could keep the family intact.
Insurance	Private Disability Insurance (income replacement) - Denial of or termination from short- or long-term disability insurance benefits, where the disability is based on a mental condition. Health Insurance - Denial of coverage for mental health services or out-of-network providers.
Jail	Denial of mental health care. Solitary confinement.
Medical Treatment Discrimination	Dismissal of physical health concerns by a health provider because of a person's psychiatric history.

	Allegations of improper disclosure of confidential mental health treatment information.
Mental Health Facilities and Emergency Rooms	Held against one's will in possible violation of rights prior to potential issuance of a petition for civil commitment. Allegations of mistreatment and rights violations in a hospital emergency room or mental health facility. Restraint and seclusion.
Residential	Eviction or threat of eviction from DMH group home (supported housing) settings. Restraint and seclusion.

c. District Courts

If the individual was arrested in this Municipality...	The individual will be make his/her initial court appearance in this Court (arraignment)	Court Address and Courthouse Main Number (if available)	Court Clerk's Name and Direct Phone Number
Attleboro Mansfield North Attleboro Norton	Attleboro District Court	88 N. Main St. Attleboro, MA 02703 (508) 222-5900	Mark E. Sturdy (508) 222-5900
Ashby Ayer Boxborough Dunstable Groton Littleton Pepperell Shirley Townsend Westford Devens Regional Enterprise Zone	Ayer District Court	25 East Main Street Ayer, MA 01432 (978) 772-2100	Wendy A. Wilton (978) 772-2100
Barnstable Yarmouth Sandwich	Barnstable District Court	3195 Main St, Barnstable, MA 02630 (508) 375-6778	Charles J. Ardito, III (Acting) (508) 375-6600
Boston Brighton Central Charlestown Dorchester East Boston Roxbur South Boston West Roxbury	Edward W. Brooke Courthouse	24 New Chardon Street Boston, MA 02114 (617) 788-8600	Daniel J. Hogan, Esq. (617) 788-8600
Abington Bridgewater Brockton East Bridgewater West Bridgewater Whitman	Brockton District Court	215 Main Street Brockton, MA 02301 (508) 587-8000	Kevin P. Creedon (508) 897-2790
Brookline	Brookline District Court	360 Washington Street	Edward F. Savage, Esq.

		Brookline, MA 02445 (617) 232-4660	(617) 232-4660
Cambridge Arlington Belmont	Cambridge District Court	4040 Mystic Valley Parkway Medford, MA 02155 (781) 306-2710	Robert Moscow (781) 306-2715
Chelsea Revere	Chelsea District Court	120 Broadway Chelsea, MA 02150 (617) 660-9200	Kevin G. Murphy (617) 660-9200
Chicopee	Chicopee District Court	30 Church Street Chicopee, MA 01020 (413) 598-0099	Paul M. Kozikowski (413) 598-0099 x245
Berlin Bolton Boylston Clinton Harvard Lancaster Sterling West Boylston	Clinton District Court	300 Boylston Street Clinton, MA 01510	Leonard F. Tomaiolo (978) 368-7811
Concord Carlisle Lincoln Lexington Bedford Acton Maynard Stow	Concord District Court	305 Walden Street Concord, MA 01742- 3616 (978) 369-0500	Ann T. Colicchio (978) 369-0500 x638
Dedham Dover Medfield Needham Norwood Wellesley Westwood	Dedham District Court	631 High Street Dedham, MA 02026 (781) 329-4777	Salvatore Paterna (781) 329-4777 x334
Charlton Dudley Oxford Southbridge Sturbridge Webster	Dudley District Court	279 West Main Street Dudley, MA 01571	Kenneth F. Candito (508) 943-7123

Barre Brookfield East Brookfield Hardwick Leicester New Braintree North Brookfield Oakham Paxton Rutland Spencer Warren West Brookfield	East Brookfield District	544 East Main Street East Brookfield, MA 01515-1701	Elizabeth M. Maunsell (508) 885-6305
Amherst Belchertown Granby Hadley Pelham South Hadley Ware	Eastern Hampshire District Court	205 State St. (Route 202) P.O. Box 1490 Belchertown, MA 01007	William P. Nagle, Jr. (413) 213-7666
Edgartown Oak Bluffs Tisbury West Tisbury Chilmark Aquinnah (formerly Gay Head) Gosnold Elizabeth Islands	Edgartown District Court	P.O. Box 1284 81 Main Street Edgartown, MA 02539 (508) 627-3751	Liza H. Williamson (508) 627-4622
Fall River Freetown Somerset Swansea Westport	Fall River District Court	186 South Main Street Fall River, MA 02721 (508) 491-3200	John C. O'Neil (508) 491-3225
Falmouth Mashpee Bourne	Falmouth District Court	161 Jones Road Falmouth, MA 02540 (508) 495-1500 x225	Edward B. Teague (508) 495-1500
Fitchburg Lunenburg	Fitchburg District Court	100 Elm Street Fitchburg, MA 01420 (978) 345-2111	Patrick J. Malone (978) 345-2111
Ashland Framingham Holliston Hopkinton	Framingham District Court	600 Concord Street Framingham, MA 01702	John A. Deluca (508) 875-7461

Sudbury Wayland			
Gardner Hubbardston Petersham Westminster	Gardner District Court	108 Matthews St. Gardner, MA 01440-0040	Whitney J. Brown (978) 632-2373
Essex Gloucester Rockport	Gloucester District Court	197 Main Street Gloucester, MA 01930	Margaret Croteau, Esq. (pro tempore) (978) 283-2620
Ashfield Bernardston Buckland Charlemont Colrain Conway Deerfield Gill Greenfield Hawley Heath Leyden Monroe Montague Northfield Rowe Shelburne Sunderland Whately	Greenfield District Court	425 Main Street Greenfield, MA 01301	Kenneth H. Chaffee (413) 774-5533
Boxford Bradford Georgetown Groveland Haverhill	Haverhill District Court	45 Ginty Blvd Haverhill, MA 01830 (978) 521-7300	Doris A. Stanziani (978) 521-7311
Hanover Hingham Hull Norwell Rockland Scituate	Hingham District Court	28 George Washington Boulevard Hingham, MA 02043 (781) 749-7000	Joseph A. Ligotti (781) 749-7000 x216
Holyoke	Holyoke District Court	20 Court Plaza Holyoke, MA 01040 (413) 538-9710	Manuel A. Moutinho III (413) 538-9710 x225

Ipswich Hamilton Wenham Topsfield	Ipswich District Court	188 State St., Route 1 Traffic Circle Newburyport, MA 01950-6637 (978) 462-2652	Kathryn Morris Early (978) 462-2652
Andover Lawrence Methuen North Andover	Lawrence District Court	2 Appleton Street Lawrence, MA 01840-1525 (978) 687-7184	Keith E. McDonough (978) 687-7184 x2353
Holden Princeton Leominster	Leominster District Court	25 School Street Leominster, MA 01453	Philip B. O'Toole (978) 537-3722
Billerica Chelmsford Dracut Lowell Tewksbury Tyngsboro	Lowell District Court	41 Hurd Street Lowell, MA 01852 (978) 459-4101	William A. Lisano (978) 459-4101 x229
Lynn Marblehead Nahant Saugus Swampscott	Lynn District Court	580 Essex Street Lynn, MA 01901	Jane Brady Stirgwolt (781) 598-5200
Malden Melrose Everett Wakefield	Malden District Court	89 Summer Street Malden, MA 02148	Marybeth Brady (781) 322-7500
Marlborough Hudson	Marlborough District Court	45 Williams Street Marlborough, MA 01752 (508) 485-3700	Paul F. Malloy (508) 485-3700 x219
Mendon Upton Hopedale Milford Bellingham	Milford District Court	161 West Street (Rte. 140) Milford, MA 01757	Thomas C. Carrigan, JD (508) 473-1260 x110
Nantucket County	Nantucket District Court	Town and Country Building - 2nd Floor 16 Broad Street P.O. Box 1800 Nantucket, MA 02554	Matthew Quinn, Esq. (Acting) pro tempore (508) 228-0460

Natick Sherborn	Natick District Court	600 Concord Street Framingham, MA 01701	Brian J. Kearney (508) 620-9110
Acushnet Dartmouth Fairhaven Freetown New Bedford Westport	New Bedford District Court	75 N. Sixth Street New Bedford, MA 02740	Peter J. Thomas (508) 999-9700
Amesbury Merrimac Newbury Newburyport Rowley Salisbury West Newbury	Newburyport District Court	188 State Rd. Route 1 Traffic Circle Newburyport, MA 01950-6637	Kathryn M. Early (978) 462-2652
Newton	Newton District Court	1309 Washington Street West Newton, MA 02465-2011 (617) 244-3600	Henry H. Shultz (617) 243-7291
Chesterfield Cummington Easthampton Goshen Hatfield Huntington Middlefield Northampton Plainfield Southampton Westhampton Williamsburg Worthington	Northampton District Court	15 Gothic Street Northampton, MA 01060	Darren Alston (413) 584-7400
Adams Cheshire Clarksburg Florida Hancock New Ashford	Northern Berkshire District Court	111 Holden Street North Adams, MA 01247	Timothy J. Morey (413) 663-5339

North Adams Savoy Williamstown Windsor			
Athol Erving Leverett New Salem Orange Shutesbury Warwick Wendell	Orange District Court	1 Court Square Orange, MA 01364 (978) 544-5204	Laurie N. Dornig (978) 544-8277
Brewster Chatham Dennis Eastham Orleans Harwich Truro Wellfleet Provincetown	Orleans District Court	237 Rock Harbor Road Orleans, MA 02653	Marion E. Broidrick (508) 255-4700
Brimfield East Longmeadow Hampden Holland Ludlow Monson Palmer Wales Wilbraham	Palmer District Court	235 Sykes Street, Suite 3 Palmer, MA 01069- 1190	Brian M. St. Onge (413) 283-8916 x109
Lynnfield Peabody	Peabody District Court	1 Lowell Street Peabody, MA 01960 (978) 532-3100	Kevin L. Finnegan (978) 532-3100
Becket Dalton Hancock Hinsdale Lanesborough Lenox Peru Pittsfield Richmond Washington Windsor	Pittsfield District Court	24 Wendell Avenue, P.O. Box 875 Pittsfield, MA 01202-875	Christopher N. Speranzo (413) 442-5468

Duxbury Halifax Hanson Kingston Marshfield Pembroke Plymouth Plympton	Plymouth District Court	52 Obery Street Plymouth, MA 02360	Philip J. McCue (508) 747-8400
Braintree Cohasset Holbrook Milton Quincy Randolph Weymouth	Quincy District Court	One Dennis F. Ryan Parkway Quincy, MA 02169	Arthur H. Tobin (617) 471-1650
Beverly Danvers Manchester by the Sea Middleton Salem	Salem District Court	56 Federal Street Salem, MA 01970	Brian K. Lawlor (978) 744-1167
Medford Somerville	Somerville District Court	175 Fellsway Somerville, MA 02145 (617) 666-8000	Robert A. Tomasone (617) 666-8000 x719
Alford Becket Egremont Great Barrington Lee Lenox Monterey Mt. Washington New Marlborough Otis Sandisfield Sheffield Stockbridge Tyringham West Stockbridge **Pittsfield District Court exercises concurrent jurisdiction in Becket and Lenox**	Southern Berkshire District Court	9 Gilmore Ave. Great Barrington, 01230	Thomas F. Bartini (413) 528-3520

Longmeadow Springfield West Springfield	Springfield District Court	50 State St. P.O. Box 2421 Springfield, MA 01101-2421	John Gay (413) 748-8600
Avon Canton Sharon Stoughton	Stoughton District Court	1288 Central Street Stoughton, MA 02072	Robin E. Vaughan (781) 344-2131
Berkley Dighton Easton Raynham Rehoboth Seekonk Taunton	Taunton District Court	40 Broadway Street Taunton, MA 02780 (508) 977-6000	Claudia Abreau (508) 977-6140
Blackstone Douglas Millville Northbridge Sutton Uxbridge	Uxbridge District Court	261 South Main Street Uxbridge, MA 01569-1690	Gerald A. Lemire (508) 278-2454
Waltham Watertown Weston	Waltham District Court	38 Linden Street Waltham, MA 02452 (781) 894-4500	Stephen Poitrast (Acting) (781) 894-4500 x 1
Carver Lakeville Marion Mattapoisett Middleboro Rochester Wareham	Wareham District Court	2200 Cranberry Highway West Wareham, MA 02576 (508) 295-8300	Daryl G. Manchester (508) 295-8300 x315
Grafton Northborough Shrewsbury Southborough Westborough	Westborough District Court	186 Oak Street Westborough, MA 01581	Maryanne Pozzessere (508) 366-8266
Agawam Blandford Chester Granville Montgomery Russell Southwick Tolland	Westfield District Court	224 Elm Street Westfield, MA 01085	Carol J. Kantany- Casartello (413) 568-8946

Westfield			
Ashburnham Phillipston Royalston Templeton Winchendon	Winchendon District Court	108 Matthews St. Gardner, MA 01440-0040 (978) 632-2373	Whitney J. Brown (Acting) (978) 632-6326
Burlington North Reading Reading Stoneham Wilmington Winchester Woburn	Woburn District Court	30 Pleasant Street Woburn, MA 01801 (781) 935-4000	Kathleen M. McKeon (781) 935-4000 x239
Auburn Millbury Worcester	Worcester District Court	225 Main Street Worcester, MA 01608	Thomas J. Noonan (508) 831-2010
Foxborough Franklin Medway Millis Norfolk Plainville Walpole Wrentham	Wrentham District Court	60 East Street Wrentham, MA 02093 (508) 384-3106	Edward J. Doherty (508) 384-3106 x227

d. Superior Courts

If the individual was arrested in this County...	The individual will be make his/her initial court appearance in this Court (arraignment)	Court Address and Courthouse Main Number (if available)	Court Clerk's Name and Direct Phone Number
All cities and towns of Barnstable County	Barnstable Superior Court	3195 Main St. P.O. Box 425 Barnstable, MA 02630	Scott W. Nickerson (508) 375-6684
All cities and towns of Berkshire County	Berkshire Superior Court	76 East Street Pittsfield, MA 01201	Deborah S. Capeless (413) 499-7487
All cities and towns of Bristol County	Bristol Superior Court	9 Court St. Room 13 Taunton, MA 02780	Marc J. Santos (508) 823-6588
All cities and towns of Dukes County	Dukes Superior Court	81 Main Street Edgartown, MA 02539	Joseph E. Sollitto, Jr. (508) 627-4668
All cities and town of Essex County	Essex Superior Court	56 Federal Street Salem 01970	Thomas H. Driscoll, Jr. (978) 744-5500
All cities and town of Franklin County	Franklin Superior Court	425 Main Street P.O. Box 1573 Greenfield, MA 01302 (413) 774-5535	Susan K. Emond (413) 774-5535 x248
All cities and town of Hampden County	Hampden Superior Court	50 State Street P.O. Box 559 Springfield, MA 01102-0559	Laura S. Gentile (413) 735-6016
All cities and town of Hampshire County	Hampshire Superior Court	15 Gothic Street Northampton, MA 01061 (413) 584-5810 x287	Harry Jekanowski, Jr. (413) 584-5810 x293

All cities and town of Middlesex County	Middlesex Superior Court	200 TradeCenter, 1st Floor Woburn, MA 01801 (781) 939-2700	Michael A. Sullivan (781) 939-2700 x 2810
All cities and town of Nantucket County	Nantucket Superior Court	16 Broad Street P.O. Box 967 Nantucket, MA 02554	Mary Elizabeth Adams (Acting) (508) 228-2559
All cities and town of Norfolk County	Norfolk Superior Court	650 High Street Dedham, MA 02026	Walter F. Timilty (781) 326-1600
All cities and town of Plymouth County	Plymouth Superior Court	72 Belmont St. Brockton, MA 02301	Robert S. Creedon, Jr. (508) 583-8250
All cities and town of Suffolk County	Suffolk Superior Court	14th Floor Three Pemberton Square Boston, MA 02108	Maura A. Hennigan (617) 788-8160
All cities and town of Worcester County	Worcester Superior Court	225 Main Street Worcester, MA 01608	Dennis P. McManus (508) 831-2000

e. 2011 Co-Response Jail Diversion Program Contacts

Jail Diversion Program	Police Contact	Clinical Responder Contact
Arlington	Captain Bongiorno (781) 316-3905 Rbongiorino@town.arlington.ma.us	Michael O'Neil (781) 761-5132 Moneil@edinburgcenter.org
Boston	Deputy Spt. Darrin Greely (617) 343-4300 GreelyD.bpd.@ci.boston.ma.us	Meredith Lipman (617) 414-8323 Meredith.lipman@bmc.org
Framingham	Deputy Chief Craig Davis (508) 872-1212 CWD@framinghamma.gov	Sarah Abbot (508) 532-5904 Sabbot@advocatsinc.org
Marlborough	Chief Mark Leonard (508) 485-1212 Police_dept@marlborough-ma.gov	Sarah Abbot (508) 532-5904 Sabbot@advocatsinc.org
Quincy	Lieutenant Patrick Glynn (617) 479-1212 Qpdinfo@quincyma.gov (dept. info)	Melissa Bickler (617) 888-5467 Mbickler@ssmh.org
Waltham	Sergeant Robert Scarpone (781) 314-3600 x8648 Rscarpone@police.waltham.ma.us	Michael O'Neil (781) 761-5132 Moneil@edinburgcenter.org
Watertown	Sergeant Dave Samspon (617) 923-1212 Dsamspon@police.watertown-ma.gov	Michael O'Neil (781) 761-5132 Moneil@edinburgcenter.org

f. Sheriff Departments and County Jails

County	Facility	Sheriff	Go To Person/ Scheduler	Email Address	Phone Number
Barnstable	Barnstable County Correctional Facility 6000 Sheriff's Place Bourne, MA 02532 (508) 563-4300	Sheriff James Cummings	Ellen Klenert	eklenert@bsheriff.net	508-563-4302
Berkshire	Berkshire County Jail and House of Correction 467 Cheshire Road Pittsfield, MA 01201 (413) 443-7220 Fax: 413-443-0008	Sheriff Thomas Bowler	Diane Maynes	diane.maynes@sdb.state.ma.us	413-447-7117
Bristol	Bristol County Jail and House of Correction 400 Faunce Corner Road North Dartmouth, MA 02747 (508) 995-6400	Sheriff Thomas Hodgson	Brock Cordeiro Linda Ross	brockcordeiro@bcso-ma.org lindaross@bcso-ma.org	508-995-1311 508-995-1311
Dukes	Dukes County Jail and House of Correction 149 Main St Edgartown, MA 02539 (508) 627-5173	Sheriff Michael McCormack	David O'Sullivan	dosullivan@dcsoma.org	508-627-1573
Essex	Essex County Correctional Facility & Sheriffs'	Sheriff Frank Cousins	Barbara Maher	bamaher@eccf.com	978-750-1900 x3350

	<p>Headquarters 20 Manning Avenue P.O. Box 807 Middleton, MA 01949-280</p> <p>(978) 750-1900</p> <p>Essex County Women in Transition 197 Elm Street Salisbury, MA 01952</p> <p>(978) 750-1900</p>				
Franklin	<p>Franklin County Sheriff's Office 160 Elm Street Greenfield, MA 01301</p> <p>(413) 774-4014</p>	Sheriff Christopher Donelan	Doni Beauregard	doni.beauregard@fcs.state .ma.us	413-774-4014 x2161
Hampden	<p>Hampden County Jail and House of Correction/ Correctional Center @ Stony Brook 627 Randall Road Ludlow, MA 01056</p> <p>(413) 547-8000 Fax: 413-589-1851</p>	Sheriff Michael Ashe	Katie Fitzgerald	katie.fitzgerald@sdh.state. ma.us	413-858-0107
Hampshire	<p>Hampshire County Jail and House of Correction 205 Rock Hill Road Mailing Northampton, MA 01060</p>	Sheriff Robert Garvey	Patrick Cahillane	patrick.cahillane@hds.stat e.ma.us	413-584-5911 x203

	<p>P.O. Box 7000 Northampton, MA 01061-7000</p> <p>(413) 584-5911 Fax: (413) 584- 2695</p>				
Middlesex	<p>Middlesex County Sheriff's Office 400 Mystic Avenue Medford, MA 02155</p> <p>(781) 960-2800 Fax: (781) 960- 2902</p> <p>Middlesex County Jail 40 Thorndike Street P.O. Box 97 East Cambridge, MA 02141</p> <p>(617) 494-4410 Fax: (617) 494- 1755</p>	Sheriff Peter Koutoujian	David Halbert David Ryan	dhalbert@sdm.state.ma.us dryan@sdm.state.ma.us	781-960-2800 781-960-2800
Nantucket	<p>Nantucket County Sheriff's Department 16 Broad Street, 2nd Floor P.O. Box 419 Nantucket, MA 02554-0419</p> <p>(508) 228-7263 Fax: (508) 325- 5338</p>	Sheriff James Perelman	Sandy Daub Brenda Garnett	nantucket@islandsheriff.com nantucket@islandsheriff.com	508-228-7263 508-228-7263
Norfolk	Norfolk County Sheriff's Office and Correctional Center	Sheriff Michael Bellotti	Mary Ann Fallon	mfallon@norfolksheriffma.org	781-751-3302

	<p>200 West Street, P.O. Box 149 Dedham, MA 02027</p> <p>(781) 329-3705 Fax: (781) 326- 1079</p>				
Plymouth	<p>Plymouth County Sheriff's Department 24 Long Pond Road Plymouth, MA 02360</p> <p>Fax: (508) 830-66316</p> <p>Plymouth County Correctional Facility 26 Long Pond Road Plymouth, MA 02360</p> <p>(508) 830-6200 Fax: 508-830-6201</p>	Sheriff Joseph McDonald	Siobhan Budge	sbudge@pcsdma.org	508-830-6204
Suffolk	<p>Suffolk County Sheriff's Department / House of Corrections 20 Bradston Street Boston, MA 02118</p> <p>(617) 961-6507 Fax: (617) 961-6602</p> <p>Suffolk County Jail 200 Nashua Street</p>	Sheriff Steven Tompkins	Barbara Green	bgreen@scsdma.org	617-704-6507

	Boston, MA 02114 (617) 635-1100 Fax: (617) 989- 6750				
Worcester	Worcester County Jail and House of Correction 5 Paul X. Tivnan Drive West Boylston, MA 01583 (508) 854-1800 Fax: (508) -856- 0465	Sheriff Lewis Evangelidis	Ann Marie Lundell	alundell@sdw.state.ma.us	508-854-1802

g. Other Local Jails in Massachusetts

Name of Jail	Address	Phone Number
Attleboro City Jail	12 Union Street, Attleboro, MA 02703	(508) 222-1212
Barnstable City Jail	1200 Phinneys Lane, Hyannis, MA 02601	(508) 775-0387
Boston City Jail	1 Schroeder Plaza, Boston, MA 02120	(617) 343-4200
Brockton City Jail	7 Commercial Street, Brockton, MA 02302	(508) 941-0200
Brookline City Jail	350 Washington Street, Brookline, MA 02445	(617) 730-2222
Burlington City Jail	45 Center Street, Burlington, MA 01803	(781) 272-1212
Cambridge City Jail	125 6th Street, Cambridge, MA 02141	(617) 349-3300
Chicopee City Jail	110 Church Street, Chicopee, MA 01020	(413) 592-6341
Fall River City Jail	685 Pleasant Street, Fall River, MA 02721	(508) 676-8511
Framingham City Jail	1 William Welch Way, Framingham, MA 01702	(508) 872-1212
Haverhill City Jail	40 Bailey Boulevard, Haverhill, MA 01830	(978) 373-1212
Lawrence City Jail	90 Lowell Street, Lawrence, MA 01840	(978) 794-5900
Lowell City Jail	50 Arcand Drive, Lowell, MA 01852	(978) 937-3200
Lynn City Jail	300 Washington Street, Lynn, MA 01902	(781) 595-2000
Malden City Jail	200 Pleasant Street, Malden, MA 02148	(781) 397-7171

Medford City Jail	100 Main Street, Medford, MA 02155	(781) 395-1212
Methuen City Jail	90 Hampshire Street, Methuen, MA 01844	(978) 983-8698
Middlesex County Jail	40 Thorndike Street, Cambridge, MA 02142	(617) 494-4410
New Bedford City Jail	871 Rockdale Avenue, New Bedford, MA 02740	(508) 991-6300
Newton City Jail	1321 Washington Street, Newton, MA 02465	(617) 796-2100
Peabody City Jail	6 Allens Lane, Peabody, MA 01960	(978) 531-1226
Pittsfield City Jail	39 Allen Street, Pittsfield, MA 01201	(413) 448-9700
Quincy City Jail	1 Sea Street, Quincy, MA 02169	(617) 479-1212
Revere City Jail	400 Revere Beach Parkway, Revere, MA 02151	(781) 284-1212
Somerville City Jail	220 Washington Street, Somerville, MA 02143	(617) 625-1600
Springfield City Jail	130 Pearl Street, Springfield, MA 01105	(413) 787-6359
Taunton City Jail	23 Summer Street, Taunton, MA 02780	(508) 824-7522
Waltham City Jail	155 Lexington Street, Waltham, MA 02454	(781) 642-6166
Weymouth City Jail	140 Winter Street, Weymouth, MA 02188	(781) 335-1212
Worcester City Jail	9-11 Lincoln Square, Worcester, MA 01608	(508) 799-8606

h. Department of Corrections Facilities

Name of Facility	Location	Address/Phone Number	Security Level
<u>Bay State Correctional Center</u>	Norfolk	28 Clark Street PO Box 73 Norfolk, MA 02056 Phone (508) 668-1687	Medium Security (Level 4)
<u>Boston Pre-Release Center</u>	Roslindale	430 Canterbury St. Roslindale, MA 02131 Phone (617) 822-5000	Minimum Security (Level 2/3)
<u>Bridgewater State Hospital</u>	Bridgewater	20 Administration Road Bridgewater, MA 02324 Phone (508) 279-4500	Medium Security (Level 4)
<u>Lemuel Shattuck Hospital Correctional Unit</u>	Boston	180 Morton Street Jamaica Plain, MA 02130 Phone (617) 522-7585	Medium Security (Level 4)
<u>Massachusetts Alcohol and Substance Abuse Center</u>	Bridgewater	2 Administration Road Bridgewater, MA 02324 (508) 279-3500	Medium Security (Level 4)
<u>Massachusetts Treatment Center</u>	Bridgewater	30 Administration Road Bridgewater, MA 02324 Phone (508) 279-8100	Medium Security (Level 4)
<u>Massachusetts Correctional Institution - Cedar Junction</u>	South Walpole	Route 1A P.O. Box 100 South Walpole, MA 02071 Phone (508) 660-8000	Maximum Security (Level 6)
<u>Massachusetts Correctional Institution - Concord</u>	West Concord	965 Elm Street PO Box 9106 Concord, MA 01742 Phone (978) 405-6100	Medium Security (Level 4)
<u>Massachusetts Correctional Institution – Framingham</u>	Framingham	99 Loring Drive PO Box 9007 Framingham, MA 01701 Phone (508) 532-5100	Medium Security (Level 4)
<u>Massachusetts Correctional Institution - Norfolk</u>	Norfolk	2 Clark Street PO Box 43	Medium Security (Level 4)

		Norfolk, MA 02056 Phone (508)-660-5900	
<u>Massachusetts Correctional Institution - Plymouth</u>	South Carver	Myles Standish Forest PO Box 207 South Carver, MA 02366 Phone (508) 295-2647	Minimum Security (Level 3)
<u>Massachusetts Correctional Institution - Shirley</u>	Shirley	PO Box 1218 Shirley, MA 01464 Phone (978) 425-4341	Medium Security (Level 3/4)
<u>North Central Correctional Institution Gardner</u>	Gardner	500 Colony Road PO Box 466 Gardner, MA 01440 Phone (978) 630-6000	Medium Security (Level 3/4)
<u>Northeastern Correctional Center West Concord</u>	West Concord	Barretts Mill Road PO Box 1069 West Concord, MA 01742 Phone (978) 371-7941	Minimum Security (Level 2/3)
<u>Old Colony Correctional Center</u>	Bridgewater	1 Administration Road Bridgewater, MA 02324 Phone (508) 279-6000	Medium Security (Level 3/4)
<u>Pondville Correctional Center</u>	Norfolk	PO Box 146 Norfolk, MA 02056 Phone (508) 660-3924 Fax (508) 660-7963	Minimum Security (Level 2/3)
<u>South Middlesex Correctional Center</u>	Framingham	135 Western Avenue PO Box 850 Framingham, MA 01701 Phone (508) 879-1241	Minimum Security (Level 2/3)
<u>Souza-Baranowski Correctional Center</u>	Shirley	PO Box 8000 Shirley, Ma. 01464 Phone (978) 514-6500	Maximum Security (Level 6)

i. Department of Mental Health Jail Diversion Grantees

City/Town	Name	Title	Email	Telephone Number
Arlington	Richard Flynn	Police Captain, Arlington P.D.	rflynn@town.arlington.ma.us	(781) 316-3907
	Rebecca Wolfe	JDP Clinician	rwolfe@tow.arlington.ma	(978) 875-2082
Bedford	Robert Bongiorno	Chief, Bedford PD	rbongiorno@police.bedfordma.gov	(781) 275-1212
Boston	Ben Linsky	JDP Clinician, B-2 Roxbury & B-3 Mattapan	Linskyb.bpd@cityofboston.gov	(617) 343-4278
	Terry Thomas	Lieutenant, B-2 Roxbury	Thomast.bpd@ci.boston.ma.us	
	Millie Sheppard	JDP Clinician, C-11 Dorchester	Mildred.sheppard@bmc.org	
	Alexander Zalaway	Street Outreach Officer	Zahlawaya.bpd@cityofboston.gov	(617) 343-6478
	Jenna Savage	Policy & Research Analyst	Savage.bpd@cityofboston.gov	(617) 343-5987
	Meredith Lipman	JDP Program Supervisor	Meredith.lipman@bmc.org	(617) 414-8326
	Andrea Hall	BEST Clinical Director	Andrea.hall@bmc.org	(617) 414-8307
Brockton	Michele Thibeault	Brockton PD	Michele@brocktonpolice.com	(508) 897-5371
	Richard Linehan	Sergeant, Brockton PD	Rlinehan@brocktonpolice.com	
Fitchburg	Linda Swears	Acting Captain, Fitchburg PD	lswears@fitchburgpolice.com	(978) 345-9699
	Ronald L'Ecuyer	Fitchburg PD Training Director	rlecuyer@fitchburgpolice.com	
	Harry Hess	Administrative Sergeant	hhess@fitchburgpolice.com	(978) 345-9650 x 243
Danvers	Neil Ouellette	Chief, Danvers PD	nouellette@mail.danvers-ma.org	
	Danielle Csogi	JDP Clinician, NE Beh. Health	DCsogi@nebhealth.org	
Framingham	Craig Davis	Dep. Chief, Framingham PD	CWD@framinghamma.gov	(508) 872-1212
				(508) 328-9507

	Caitlin Regan Sarah Abbott	JDP Clinician JDP Director, Advocates Inc.	cregan@advocatesinc.org sabbott@advocatesinc.org	(508) 922-6689
Marlborough	Mark Leonard Abi Peterson	Chief, Marlborough PD JDP Clinician	mleonard@marlborough-ma.gov apeters@advocatesinc.org	(508) 485-1212 (508) 250-3523
Northampton	Craig Kirouac	Sergeant Northampton PD	ckirouac@northamptonma.gov	(413) 587-1105
Quincy	Pam Weissman Melissa Bickler Patrick Glynn Kathleen Barnett	ESP Director, SSMH JDP Clinician Det. Lieutenant, Quincy PD Norfolk DA CFO	pweissma@ssmh.org mbickler@yahoo.com pglynn@quincyma.gov Kathleen.barnett@state.ma.us	(617) 774-6065 (339) 237-7336 (617) 745-5750 (781) 830-4801
Somerville	Gerald Reardon Patti Contente Thomas Pasquarello	Lieutenant, Somerville PD Somerville Health Dept. Chief, Somerville PD	greardon@police.somervillema.us pcotente@somervillema.gov tpasquarello@police.somerville.ma.us	(617) 625-1600 x7275
Taunton	Kathy Lalor Ed Walsh Bill McAndrew	CCIT Coordinator Chief Taunton PD CCIT Trainer & Consultant	kathylalor@yahoo.com chief@tauntonpd.com bill.mcandrew@cox.net	(508) 941-9207 (508) 821-1471 x120 (508) 944-1406
Wakefield	Craig Calabrese Ken Silva Aaron Katz Jennifer Waczkowski James Cropper Lisa Walker	Lieutenant, Wakefield PD Detective, Wakefield PD Clinical Director JDP Clinician ESP Director, Eliot Riverside, CBFS Reg.	Lt.calabrese@wakefieldpd.org Off.silva@wakefieldpd.org akatz@eliotchs.org jwaczkowski@eliotchs.org jcropper@eliotchs.org lwalker@riversidecc.org	(781) 640-4401 (617) 501-4734 (781) 581-4422 (781) 246-2003

	Elizabeth Whitney	Director Div. Director for Clinical Service	ewhitney@riversidecc.org	X 6547 (781) 320-5388
Waltham	Robert Scarpone	Sergeant, Waltham PD	rscarpone@police.waltham.ma.us	(781) 314-3600 x 8648
	Katie Gorham	JDP Clinician	kgorham@edinburgcenter.org	(781) 977-8025
	Joy Gallon	Clinical Director, Edinburg Center	jgallon@edinburgcenter.org	(781) 862-3600
Watertown	Melissa Riley	JDP Clinician	melissaril@gmail.com	(617) 893-0782
	George Demos	Sergeant, Watertown PD	gdemos@police.watertown-ma.gov	(617) 972-6529
Worcester	Ed McGinn	Dept. Chief Worcester PD	mcginne@worcesterma.gov	(508) 799-8611
	Bill Dwinells	Comm. Health Link	wdwinells@communityhealthlink.org	(508) 373-7833
Department of Mental Health Statewide	Ellie Shea- Delaney	DMH Deputy Commissioner	Eleanor.shea-delaney@state.ma.us	(617) 626-8253
	Debra Pinals	Asst. Commissioner DMH	Debra.pinals@state.ma.us	(617) 626-8071
	Laurie McAvoy	Forensic Services IT Development	Laurie.mcavoy@state.ma.us	(508) 977-3472
DMH Central Western	John Barber	Area Forensic Director	John.barber@state.ma.us	(413) 587-6244
DMH Northeast Suburban	Karin Orr	Area Forensic Director	Karin.orr@state.ma.us	(978) 863-5039
DMH Metro Southeast (M)	Ronnie Michaels	Area Forensic Director	Ronald.michaels@state.us	(617) 626-9225
DMH Metro Southeast (S)	Mary O'Regan	Area Forensic Director	Mary.oregan@state.ma.us	(508) 977-3509
DMH Central Western	Barry Foster	Area Forensic Director	Barry.foster@state.ma.us	(508) 368-3497

V. Glossary of Terms

Acquittal— The finding of a judge that the evidence is insufficient to support a conviction, or a verdict that the accused is not guilty.

Adjudication— A judgment or decision of a court or jury regarding a case.

Appeal— A request to a higher court for review of a decision or ruling of a lower court.

Appearance— A coming into the court in person or by filing a paper, as plaintiff, defendant, or legal representative.

Appellate Court— A court having jurisdiction to review the judgment or order of a lower court.

Arraignment— The procedure whereby an accused is brought before a court to plead to the criminal charge in an indictment or information.

Bail— A sum of money or other form of security given to a court in exchange for the release of an accused from custody, to guarantee that the accused will appear in court.

Bail Hearing— A hearing that occurs usually within one day after the arrest of an individual at which a judge or judicial officer reviews the case and determines if the individual is eligible for release or if bail should be set.

Bail Review— A hearing that occurs usually the day following the bail hearing if an individual is not released at the bail hearing, or cannot pay the bail set at the bail hearing, where a judge determines if the bail set at the hearing was appropriate, sets a final bail amount and establishes a trial date.

Bench Trial— A trial held before a judge sitting without a jury.

Beyond a Reasonable Doubt— In a criminal case, the accused's guilt must be established "beyond a reasonable doubt," which means that facts proven must, by virtue of their probative force, establish guilt.

Booking— Police collection of information about an arrestee, including name, address, fingerprinting, photograph, and criminal record.

Boston Emergency Services Team (BEST)— provides 24 hour emergency psychiatric services to adults, families, and organizations to the communities of Chelsea, East Boston, Revere, Winthrop, Back Bay, Beacon Hill, Brighton, Charlestown, Hyde Park, Jamaica Plain, Mission Hill, North End and Roslindale.

Burden of Proof— The necessity of proving facts at issue; in Maryland, the criminal burden of proof is "beyond a reasonable doubt", the civil burden of proof is "by a preponderance of the evidence" or sometimes, "by clear and convincing evidence."

Citation— A charging document, other than an indictment, information, or statement of charges, that is issued to a defendant by a peace officer or other person authorized by law to do so.

Clerk— an officer of the court who maintains case files, makes docket entries, issues process, and generally serves as the ministerial arm of the court.

Competency—Possessing sufficient mental ability to understand an issue, problem, or situation; to make a reasonable decision concerning it; and to understand and appreciate the potential consequences of the decision.

Competency Evaluation— A formal evaluation to determine an individual’s ability to understand the court process, the offense being charged, the possible penalty, and the possible dispositions.

Committee for Public Counsel Services— “CPCS” is Massachusetts’s public defender agency.

Conditional Release— The release of an individual from a mental health in-patient facility with certain court required conditions.

Continuance without a Finding— Admitting that the prosecution does have enough evidence against for a reasonable jury to find a person guilty of the charged offense. Instead of fighting the case, a person would agree to be placed on probation and the court will continue the case for a certain period of time (usually one year) WITHOUT A GUILTY FINDING, so long as conditions of probation are met. If a person fails to adhere to the conditions of probation or is charged with any new offenses before the case is dismissed, the case may come back in front of a judge, CWOFF may be revoked, and a GUILTY finding may enter, along with additional penalties, including jail. If a person is able to successfully complete the term of probation without any problems, the case will be dismissed.

Conviction— The determination of guilt based on a plea, a jury verdict, or a finding of a judge.

Counsel— An individual who is admitted to practice in a court of law and gives legal advice.

Court— A judge or body of judges whose task is to hear cases and administer justice.

Defendant—A person who has been charged with a violation of the law or criminal wrongdoing.

Emergency Services Program— “ESP” provides crisis assessment, intervention, and stabilization services 24 hours per day, seven days per week, and 365 days per year (24/7/365) to individuals of all ages who are experiencing a behavioral health crisis.

Felony— The more serious of two categories to which criminal offenses are assigned (compare “Misdemeanor”.)

Finding— A determination of fact by a judicial officer or jury.

Fine— A sum of money that a person must pay as punishment because of an illegal act or omission.

Grand Jury— A jury composed of 23 individuals who receive and hear evidence to determine whether probable cause exists that a crime has been committed and to determine whether an indictment should be returned.

Guilty Plea— A formal admission of guilt to an offense charged in a charging document.

Incarcerate— To confine to a jail or correctional institution.

Incompetency— Lack of capacity to understand the nature and object of the proceedings, to consult with counsel, and to assist in preparing a defense.

Indictment— A charging document returned by a grand jury and filed in a circuit court.

Indigent— Unable by reason of poverty or insufficient financial means to pay.

Initial Appearance—The first appearance of a defendant before a judicial officer by reason of execution of a warrant or before the court, in person or by an attorney, in response to a summons.

Insanity Defense—A claim by a defendant that he or she lacks the soundness of mind required by law to accept responsibility for a criminal act. Not available in Massachusetts. See Lack of Criminal Responsibility.

Involuntary— (as in evaluation, commitment or hospitalization.) Compelled. Required or exacted against somebody's will or wishes.

Jail Diversion— The diversion of individuals from jail and the criminal justice system to community services and supports.

Judgment—The final order of a court; in a criminal case, the conviction and sentence constitute the judgment, so there is no judgment until sentence is imposed.

Judicial Officer— A judge or a District Court commissioner.

Jurisdiction— The authority by which courts receive and decide cases.

Jury—A group of citizens qualified and selected according to law and impaneled to determine the guilt or innocence of a defendant in a criminal case.

Lack of Criminal Responsibility—

Mental Health Court— Problem-solving courts with a dedicated mental health docket, focusing exclusively on individuals with mental illnesses, and linking them to treatment and support services instead of imprisonment.

Minor— An individual under the age of 18 years.

Miranda Warning— A requirement based on a United State Supreme Court decision that a person be advised of certain Constitutional rights against self-incrimination at the time of arrest and before questioning.

Misdemeanor— The less serious of two categories to which criminal offenses are assigned (compare “Felony”).

Mitigation—Circumstances suggesting that a lesser sentence is appropriate.

NAMI—National Alliance on Mental Illness; www.nami.org

Nolo Contendere— “I will not contest”; a plea that has the effect of a guilty plea, although guilt is neither admitted nor denied, which plea may be used as an admission of guilt in a civil suit for the same offense. A defendant may plead nolo contendere only with the consent of the court.

Offense—A violation of a criminal law.

Order—A ruling of a court, on a motion, objection, or other matter relating to a preliminary point or some step in a proceeding

Parole— A conditional release from imprisonment that is made by a parole board and entitles a defendant to serve the remainder of a sentence outside of prison as long as all of the conditions of release are met (compare “Probation”.)

Personal Recognizance—A guarantee of a defendant’s appearance in court based solely on his signed promise.

Plea— An answer to a criminal charge including: not guilty, guilty, nolo contendere, not criminally responsible by reason of insanity.

Plea Bargain— Agreement between a prosecutor and defendant to exchange a plea of guilty or nolo contendere for reduction in a charge(s) or leniency in sentencing.

Preliminary Hearing— A hearing held, unless waived by defendant, to determine whether there is probable cause to believe the defendant committed an offense(s)

Preponderance of the Evidence— Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

Pre-sentence Report— A confidential report ordered by the judge and produced by the Division of Parole and Probation, prior to sentencing, to provide background information (job, finances, family status, community ties, etc.) and prior criminal record of a defendant and, in certain cases, a victim impact statement.

Pretrial Release— Release of a defendant prior to trial, often subject to conditions the judge believes will decrease the risk that the defendant will present a danger to the community or fail to appear in court, such as staying away from the victim, submitting to drug tests or a psychiatric evaluation, living with another responsible party, getting mental health treatment and/or medications, or bail.

Probable Cause— Reasonable grounds for belief in the existence of facts that support a charge; the basis for issuing a charging document or search warrant.

Probation— A conditional avoidance of some or all imprisonment granted by a judge after conviction of a defendant and before or as part of imposition of sentence.

Prosecutor— A public officer whose duty is prosecution of criminal proceedings on behalf of the citizens of jurisdiction.

Sentencing— The post-conviction stage of the criminal justice process in which the defendant is brought before the court for imposition of punishment to be inflicted.

Waive— Means to relinquish, used commonly to refer to the giving up of a legal right voluntarily, intentionally, and with full knowledge of the consequences.

Warrant— A written order issued by a judicial officer directing a peace officer to arrest the person named or to search for and seize property described.

Witness— A person who testifies as to what was seen, heard, or otherwise known.