An Overview of the NYC/NYS Criminal Justice System
Complexity, Intersectionality, and Interfacing

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- Two polls will be launched during the course of the webinar.
- One survey will be launched at the end of the webinar.
- Thank you for joining us!

Disclaimer

This presentation is not intended to provide an exhaustive description of the criminal justice system, or the other systems and organizations that it intersects and interfaces with.

Our goal is to provide you with an overview that provides you with some understanding of the criminal justice system, how it intersects, and interphases with other systems, and non-governmental organizations.

We also hope that it encourages you to consider what areas the Center should target for outreach, engagement, and partnership building, as well as the services it should offer to peers.

Finally, we hope that it stimulates you to “reimagine” the roles that Justice Peers and the Center should play in the larger community.
Overview of Presentation

1. Brief History of the NYC Justice Peer Center
2. Why it’s important for organizations providing services to justice involved individuals to understand the structure of the NYC and NYS Criminal Justice Systems
3. What Laws Control the Operation of These Systems
4. Intersection Between The Criminal Justice and Mental Health Systems
5. Key Government Agencies
6. The Sequential Intercept Model
7. Role of Non-for-Profits/Peers/Potential Role of Peers/Non-Peer Roles

Reality Check:

Violent acts committed by people with a mental illness in the United States: Only 3-5%.

People with a mental illness are 10 times more likely to be the victims of violent acts.
Brief History

- Part of NYC DOHMH Peer and CHW Workforce Consortium Justice Peer Initiative
- Goal is to launch the NYC Justice Peer Center as an independent 501(c)3 by the end of 2022
- Center will be incubated by CASES, a trusted partner of the Justice Peer Community
- Center is currently engaged in Phase I of 3 Phase Process that focuses on laying a strong foundation for the Center
- For more detailed information about the Justice Peer Center, please contact the Center at nycjusticepeercenter@gmail.com
Why it’s important for organizations providing services to justice involved individuals to understand the structure of the NYC and NYS Criminal Justice Systems

- It is not just law enforcement and the courts
- It is complicated
- It continues to evolve over time
- The better you understand it, you can “build a better”
  Justice Peer Center
All laws governing most of NYC/NYS Criminal Law are governed by statute. Some are defined in the Penal Law of NYS, and others can be found in statutes such as the Vehicle and Traffic Law. Criminal Procedure Laws cover such things as the defendant’s rights, the obligations of prosecutors and defense attorneys, and the like are also governed by statute.
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May 10, 2021

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What Controls The Criminal Justice Law

Most criminal laws and the criminal procedures are governed by statute. Three general classifications of violations of criminal statutes:

- **Violations** – not classified as a crime; maximum term of imprisonment is 15 days; example: Disorderly Conduct

- **Misdemeanors (A and B)** – maximum term of imprisonment is 1 year in county jail for A Misdemeanor and 3 months in jail for B Misdemeanor; example fare beating and shoplifting

- **Felony (five classes of felonies range from A-E)** – minimum term of imprisonment is more than 1 year; examples are murder, robbery, and burglary

Custody

There are instances where there are no allegations of violations of the criminal justice law are made where law enforcement is involved. An individual may be subject to all of the physical restraints imposed upon someone who has been alleged to have violated the criminal law.

Term sometimes used to describe most these encounters “custody”. This may be the result of a 911 call of a person in “crisis,” the observations of law enforcement, where a decision is made to intervene, or the execution of a Mental Health Warrant.

However, it should be noted run the risk of escalating, posing a risk of more serious charges and increased use of force resulting in injury and serious injury (including law enforcement and death). Police CIT Training, Co-Response Models, and Crisis Respite Programs greatly reduce these traumatic outcomes.
What Happens to Us?

There are several factors that may impact upon whether a person is arrested for violations or quality of life crimes that may or may not have been witnessed by police or Special Police Officers (e.g., shoplifting cases).

Several factors impact on whether arrests are made, particularly in quality-of-life arrests:
- Previous convictions
- History of bench warrants
- Racism
- “Resisting”

Bail Reform

New Bail Reform Law is resulting in fewer defendants being held on bond.

It is unclear what the impact of this new law is having upon individuals with histories of mental illness or substance use. BUT individuals still begin their journey through the criminal justice system.

Being released after an initial arraignment in criminal court, does not make criminal charges disappear. The defendant still must make all subsequent court appearances.
Impact

Justice Involved Peers can be more likely to move through additional phases of the criminal justice process regardless of the severity of the offense:

- Booking
- Arraignment
- Detention (pre-trial/presentencing) – this has been impacted by Bail Reform
- Plead guilty/trial/diversion
- Sentenced/Released/Released with Supervision/Treatment

Reform

Federal, state, and local governments periodically have both the political will and public support for criminal justice reform. Most stakeholders agree that people suffering from mental health and or substance use issues don’t belong in jail or prison.

This often results in a realignment of “parts” of the criminal justice system but rarely results in the total and permanent realignment of the criminal justice system, and the systems that it intersects and interfaces with.
Reform Continued…

Some examples of justice reform programs that employ Justice Peers in NYC are:

- Crisis Intervention Training/Crisis Intervention Teams
- Pre-Arrest Diversion Programs
- Crisis Respite Programs
- Early Diversion Programs
- Specialty Courts
- Community Based Reentry Programs

For information about NYC Criminal Justice Initiatives:

NYC CJA QUEENS SUPERVISED RELEASE PEER SUPPORT TEAM

- Through arraignment court – clients are granted supervised release in lieu of cash bail (Pre-Trial)
- Team is comprised of (1) Manager of Peer Services, (2)Peer Coordinators & (13) Peer Specialists
- Multiple pathways of referral to peer support – Court Reps & Case Management
- Peers are cross-trained & certified(CPS & CRPA) plus Forensic Peer Training
- Offers supportive services through linkages, navigation, resources, referrals and community visits designed to reduce recidivism, navigate potential barriers and return to court.
NYC H.E.A.T. AND CO-RESPONSE TEAMS

- Transformative collaboration between DOHMH and the New York City Police Department (NYPD)
- Operates at the intersection of health and public safety
- Co-Response employs law enforcement, clinical and non-clinical professionals (Peers) to engage and support individuals with mental health issues, substance use, co-occurring disorders and health issues
- Short-term engagement, support and linkage to services in the promotion of better health and criminal justice outcomes
- Health Engagement and Assessment Team (HEAT) is comprised of peers who support people in the community referred by the NYPD, FDNY, Parks Department, etc. with issues and/or needs
Intersection Between The Criminal Justice and Mental Health Systems

- Kendra’s Law – Assisted Outpatient Treatment
- Criminal Procedure Law (CPL) Statuses:
  - 730 – Felony defendants found incompetent to stand trial
  - 330.20 – Defendants found Not Responsible for Criminal Conduct due to Mental Disease or Defect
- Correction Law (CL) Statuses:
  - 508 – Pre-trial detainees in local correctional facilities in need of inpatient care
  - 402 – Inmates sentenced to State and local correctional facilities in need of inpatient care
- New York Mental Hygiene Law Article 10 (MHL Art. 10) – Individuals committed to Sex Offender Treatment Programs (SOTPs) within a Secure Treatment Facility (STF)

Intersection Between The Criminal Justice and Mental Health Systems

Forensic Facilities:

- Central New York Psychiatric Center (PC) and Northeast Regional Forensic Unit
  - CL 402; CL 508; CPL 730
- Kirby Forensic PC
  - CPL 330 and 730; Part 57
- Mid-Hudson Forensic PC
  - CPL 330 and 730; CL 508; Part 57
- Rochester Regional Forensic Unit
  - CPL 330 and 730; CL 508; Part 57
- Central New York PC Sex Offender Treatment Program
  - MHL Art. 10
- St. Lawrence PC Sex Offender Treatment Program
  - MHL Art. 10
- Manhattan PC Sex Offender Treatment Program
  - MHL Art. 10
Key Government Agencies

- NYS Department of Corrections and Community Supervision (DOCCS)
- NYS Division of Criminal Justice Services (DCJS)
- Office of Probation and Correctional Alternatives (OPCA)
- Conference of Local Mental Hygiene Directors (CLMHD)

NYS Criminal Justice System Reform Initiatives

- Diversion Programs
  - Stabilization Centers, Crisis Respites, Treatment Courts, and Mobile Crisis
- NYS Police Reform & Reinvention Collaboratives
  - Response to Executive Order 203
- NYS Crisis Intervention Team (NYSCIT)
  - The New York State Office of Mental Health (NYS OMH) Division of Forensic Services, in collaboration with the Institute for Police, Mental Health & Community Collaboration, is responsible for developing Crisis Intervention Team (CIT) programs across New York.
  - NYS OMH and the Institute are also implementing the Mobile Access Program (MAP) in selected counties. Both initiatives are supported by the NYS Senate.
The Sequential Intercept Model

Using The SIM To Understand An Individual’s Potential Movement Through The Criminal Justice System

The Sequential Intercept Model (SIM) is a way of helping government entities, organizations, and other stakeholders map their criminal justice system.

Just as a traveler uses a roadmap to plot their travel through unfamiliar or complicated routes, identifying the topography of an area: rest stops, gas stations, hotels, and historical sites; the SIM is helpful in obtaining a more complete visual representation of the criminal justice system, the other systems and organizations that it interfaces with.
Intercept 0: Community Services

Centers and programs operated by Justice Peers are currently providing the following services to peers with histories of involvement in the criminal justice system:

- Peer Support
- Crisis Lines / Warm Lines
- Crisis Respite Programs

Intercept 1: Law Enforcement

Centers and programs operated by Justice Peers currently collaborate with law enforcement in providing the following services:

- Diversion Programs (warm hand off)
- Crisis Intervention Teams
Intercepts 2: Initial Detention/Initial Court Hearings

Centers and programs currently collaborate with providers and court systems in providing the following services:

- Peer Support
- Systems Navigation
- Reentry and Reintegration Support

Intercepts 3: Jails/Courts

Centers and programs currently collaborate with providers and court systems in providing the following services:

- Peer Support
- Systems Navigation
- Reentry and Reintegration Support
Intercepts 4: Reentry

Centers and programs currently collaborate with providers and court systems in providing the following services:

- Peer Support
- Systems Navigation
- Reentry and Reintegration Support

Intercept 5: Community Corrections

Centers and programs operated by Justice Peers currently collaborate with behavioral health and community organizations in providing the following services to reduce recidivism:

- Peer Support
- Navigating Community Resources
- Community Integration
Poll #1: Sequential Intercept Priorities

How can we play a role?
Peer Support Roles in Criminal Justice Settings

Peer Navigators and Bridgers:
Help individuals understand system processes and how to effectively navigate systems to obtain services needed and access helpful resources.

Forensic Peer Specialist:
A term often used to describe the work of providing peer support services to justice-involved individuals. Forensic Peer Specialists have significant knowledge of both behavioral health and the justice system.

Applying The Sequential Intercept Model to Make a Difference
Mental Health Association of the Southern Tier (MHAST) Crisis Diversion Programs in Broome County: 911 Diversion Program

Partnerships between the Crisis Intervention Team and community stakeholders have brought together the Binghamton Police Department (BPD), Broome County Sheriff, Broome County Mental Health Department, Broome County Emergency services, United Health Services CPEP, and numerous community mental health providers.

Mental Health Association of Essex County Mobile Crisis Services: Law Enforcement Mental Health Referral System (LEMHRS)

Partnerships between the Crisis Intervention Team and community stakeholders have brought together Essex County Mental Health, Saranac Lake Police Department, Lake Placid Police Department, Essex County Sheriff, Essex County Emergency services, St. Joseph’s Addiction Treatment and Recovery Center, and numerous community mental health providers.
Northern Regional Center for Independent Living (NRCIL) Jail Diversion Program in Jefferson and Lewis Counties

- Support Groups, AA Groups, Recovery Coaching, Parenting
- One-on-one peer support, Coping Skills, Wellness Approaches
- Peer Support through the court experience
- Discharge planning
- Referrals to the community, treatment programs & facilities

Growing the Peer Voice within the Criminal Justice System

Levels of Influence:
- Direct Support
- Management
- Administrative
- Board/Committee Membership(s)
Justice Roadmap

The Justice Roadmap is a legislative platform aimed at addressing the harms at the intersection of the criminal legal and immigration systems.

The Roadmap is a path to disengaging New York State from systems that perpetuate false and racist labels of criminality, permanently exile people from their homes and families, are used to justify dehumanizing conditions and treatment, deny basic rights, and further extract resources from economically-distressed communities.

Resources

Thrive NYC
Mayor’s Office of Criminal Justice, NYC Programs and Task Forces
Mayor’s Office of Criminal Justice, NYC 2022 Fiscal Preliminary Plan
District Attorneys Association of the State of New York (DAASNY)
SAMHSA’s GAINS Center: Peer Support Roles in Criminal Justice Settings
SAMHSA’s GAINS Center: Peer Support within Criminal Justice Settings
References

National Institute of Health, Violence and Mental Illness: An Overview
New York State Crisis Intervention Team (NYSCIT)
New York State Office of Mental Health, Division of Forensic Services
Mental Health Association of the Southern Tier
Mental Health Association of Essex County
Northern Region Center for Independent Living
2021 Justice Roadmap

“Reimagining”

How can we “reimagine” the Center’s roles and responsibilities in the larger community?

• Prevention – engaging and supporting folks before or when they are at risk of becoming involved in these systems.
• Offering services that can lift individuals and their families out of poverty.
• Advocating for policies that eliminate collateral consequences ensuring that individuals enjoy all the rights and privileges of citizenship.
• Collaborating with diverse groups of organizations; stepping outside the box of criminal justice and behavioral health.
• What else?
Q&A: Addressing Myths and Misconceptions

Events

Action Group Meeting: Monday, June 7th- 12:00 PM-1:30 PM

Webinars
Monday, July 12th- 12:00 PM-1:30 PM
• Successful Strategies for Effectively Engaging and Collaborating With Criminal Justice Partners

Monday, July 26th- 12:00 PM-1:30 PM
• Innovative Organizations and Programs Operated By Justice Peers

Monday, August 9th- 12:00 PM-1:30 PM
• Best Practices For Operating A Successful Not For Profit Organization
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Contacts

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