

Learner Manual



Peer Support for Justice Involved Individuals
Session 2: Systems Literacy in Criminal
Justice



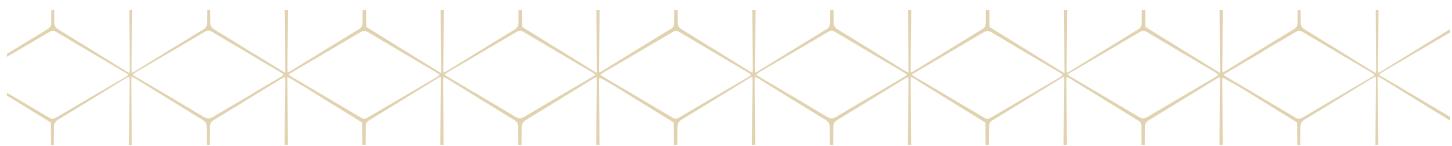


TABLE OF CONTENTS

Welcome	3
Lesson 1: The Legal System.....	4
Part 1: Legal System and Stakeholders.....	4
Part 2: Corrections-Jails and Prisons.....	6
Part 3: Community Corrections-Parole and Probation.....	8
Part 4: Judicial.....	10
Lesson 2: The Criminal Justice Process.....	14

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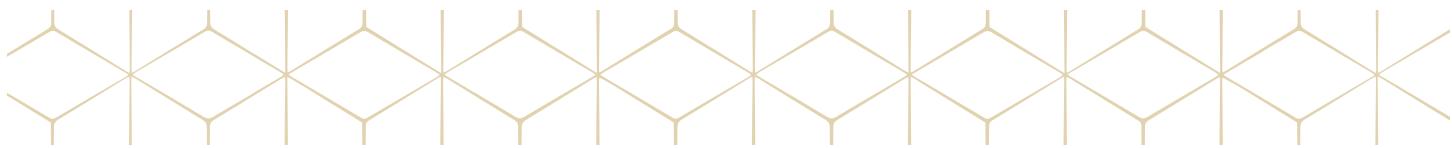
> Session 2: Systems Literacy In Criminal Justice



Session 2 Learning Objectives

We will be focusing today on the following objectives:

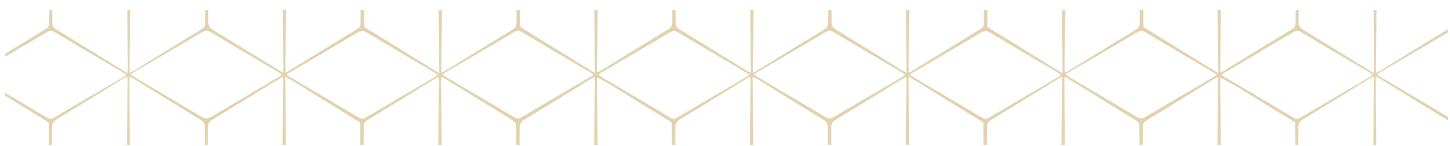
- Describe the steps in a legal case from arrest to prosecution and reentry to the community.
- Understand basic legal terms and processes
- Apply knowledge of legal terms/processes to help a peer understand her/his charges if arrested or otherwise involved in the legal system



Welcome

Welcome to Session 2 of the 6-part series on the Peer Support for Justice-Involved

- Session 1: Intro to the Incarceration Experience
- **Session 2: Systems Literacy in Criminal Justice**
- Session 3: The Sequential Intercept Model in Justice-Involved Peer Support
- Session 4: Trauma-Informed Training for Supporting Justice-Involved Populations
- Session 5: Individual and Systems Advocacy for Justice Involved Peers
- Session 6: Justice Involved Learning Collaborative



Lesson 1: The Legal System

The legal system in New York State shares the same basic values and premises that prevail in the United States in general: to enforce laws, protect citizens, preserve the rights of the accused, and to provide an overall level of protection for citizens. The parts of the legal system peers will most likely encounter are:

- **Part 1:** Police and enforcement
- **Part 2:** Judicial: judges and district attorneys
- **Part 3:** Corrections- jails and prisons
- **Part 4:** Community corrections- parole and probation

Part 1: Legal System and Stakeholders

Police and Law Enforcement

Law enforcement officers are first line stakeholders in the system. Responding officers will be dispatched from your local area. For instance, the city police will respond from the nearest station, while in rural areas, state police are generally the first responders.

Police are empowered to make arrests, detain defendants, and even to use force in the line of duty.

The most common law enforcement officers are:

- Municipal (city) Police officers, from specific cities (the largest being the NYC Police Department)
- State Troopers: have jurisdiction throughout state and can supersede the authority of local police.
- Sheriff: have county jurisdiction. They are often sent out on outstanding warrants to seek suspects. They also manage county jails.

This information is important to know, because it will aid in identifying the initial route to following up with a person who, for example, has been temporarily detained by police in a particular jurisdiction.

Police Stations

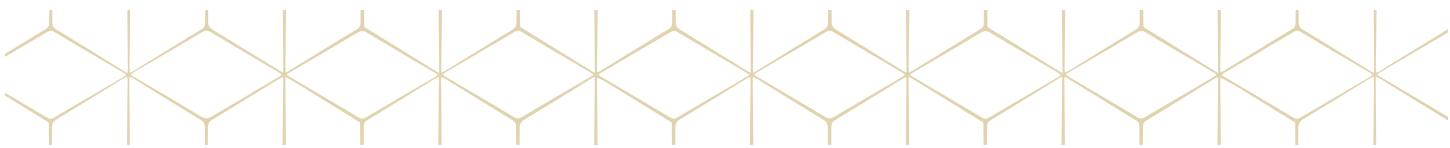
Police stations serve as the dispatching and administrative headquarters for law enforcement officers. In addition to dispatching police to reported trouble sites, these stations serve the public directly; people can report alleged crimes/violations in person. Most stations also conduct the booking process (to be discussed later). The facilities also contain offices and accommodation for personnel and vehicles, along with [locker rooms](#), temporary [holding cells](#) and [interview/interrogation](#) rooms (NYS OMH 2020).

Booking

Booking is both a process and a set of stakeholders for our purposes. It is the second step in an arrest and will be discussed in more detail in the next unit. Booking takes place at different facilities depending on the size of the city or town. New York City has a central booking department that manages this process. However, the booking process takes place at the nearest precinct. In smaller cities booking is done at the nearest city police station. In contrast, smaller localities generally do not have police stations. As noted above, in rural areas State Trooper Barracks or Sheriff station may handle the booking process.

Wherever booking takes place, the arresting officer or another officer at the local station usually conducts the booking. In some cases, to expedite the process, a judge or magistrate may attend the booking to discuss charges and assess if the arrested person needs to be detained or can be released on the condition of appearing in court (NYSUCS, 2022).

Group Discussion: Process Notes



Part 2: Corrections-Jails and Prisons

Police Lockups are local detention facilities used to hold individuals who have been arrested but not yet arraigned. Detainees are usually brought to a lockup to be booked and interrogated immediately following arrest, or these facilities may be used to hold inmates from jail who are awaiting action by a court after their initial arraignment. Lockups are usually administered by a local police chief who has been appointed by the mayor or other local governmental body. State law mandates that all persons taken into custody be arraigned "forthwith." Consequently, detainees are seldom held in a lockup for more than a day, or if a judge is unavailable, a weekend. New York State contains 200 total lockups of varying types, mostly jails or police stations. (NYS OMH 2020).

County and Municipal Jails

A jail is a locally (county or borough) administered detention/correctional institution used to confine inmates admitted directly from the local courts following arraignment, or after sentencing for some misdemeanors. In addition, when bench warrants or arrest warrants have been processed and no appropriate court is available, a police officer may bring the arrestee to a county jail. (NYS OMH 2020) The arrestee can be detained until the court session the next day. Jails are used to detain people in a variety of legal situations:

These include persons who have been/are:

- arrested, arraigned, and awaiting trial in either criminal or family court. These persons either do not have the resources needed to post bail set by the judge, are unable to secure their release on personal recognizance, have not yet had bail set, or have had jail denied by the court.
- convicted but not yet sentenced.
- convicted and serving a sentence of confinement of up to one year.
- convicted and sentenced to a term of confinement in excess of one year and awaiting transfer to a state prison ("state ready").
- Material witnesses who are jailed to guarantee their appearance in court and/or their personal safety prior to testifying.
- detained for parole violations.
- in custody of a federal law enforcement agency and are being temporarily housed in a county jail (NYS OMH, 2020).

Jail Management

Jail management is the responsibility of local government. In New York State, most of these facilities are administered by County Sheriff (NYS OMH, 2020). Some jurisdictions, such as New York City and Westchester County, have established a separate Department of Correction to manage their jails. (NYS OMH 2020).

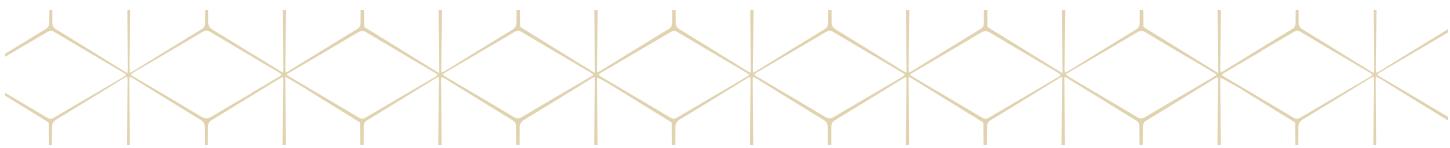
Correction Officers:

Correction officers supervise inmates, control entry to and exit from the facility, and perform other duties pertaining to overall institutional security and operations. They are organized by a chain of command and in the larger jails are sometimes placed under the command of a deputy or assistant warden. State mandates officers complete a basic training program prior to beginning their duties or within one year after their appointment. The Commission of Correction mandates a basic curriculum for new recruits. The curriculum is presented by certified instructors in regional academies. (NYS OMH 2020).

New York State Department of Correctional Services (NYSDOC) Prisons

The New York State Department of Correctional Services operates over 70 minimum, medium, and maximum-security prisons as well as the Willard Drug Treatment Campus. The largest facilities accommodate more than 2900 inmates (NYS OMH 2020). Prisons offer more comprehensive programming, recreational opportunities, and medical/mental health services than county jails. The New York State Office of Mental Health oversees the provision of mental health services in these facilities. Prisons house only convicted people who have been sentenced to terms ranging from one year to life. (NYS OMH 2020 all)

Group Discussion: Process Notes

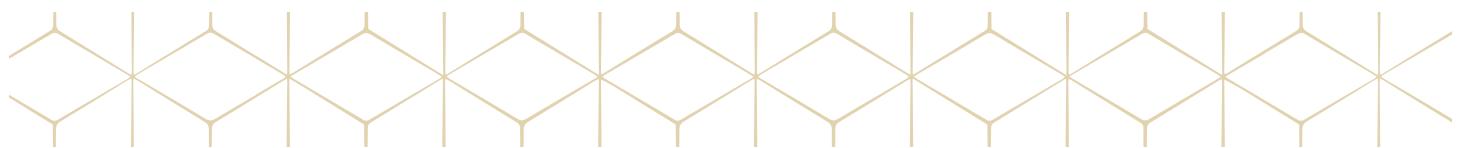


Part 3: Community Corrections-Parole and Probation

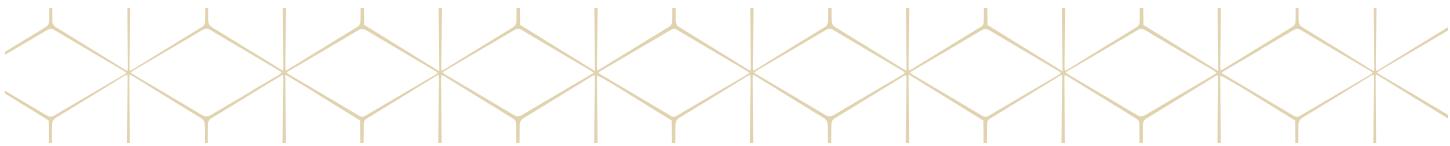
Community Corrections

Persons released from jail or prison will generally face community supervision requirements. These differ depending on the type of discharge facilities. The types of Community Corrections dispositions are listed below:

- Probation
 - The convicted person (probationer) is released to the community subject to the supervision of a probation officer and to conditions imposed by the court. (e.g., maintain employment, make restitution, or stay away from certain people or places). If a person on probation fails to honor the mandated provisions, the probation officer can file a violation of probation and recommend that probation be revoked. The probationer will then be ordered to appear in court for a hearing to determine whether they violated a condition of their probation.
If it is determined that they have, the court may impose a sentence of incarceration. County governments and the City of New York operate probation departments and provide various state-mandated services related to the sentencing function. (NYS OMH 2020).
- Probation officers
 - These officers are very important because they have the authority to report a person as "in violation" of probation or parole. The state requires specific education and training for probation officers and regulates their conduct. While regulated by the state, these officers are employees of the specific county where they operate (NYS OMH 2020).
- Parole
 - A state operated process directed by the Parole Board by which felon offenders in state prisons return to the community under the supervision of a parole officer. Inmates who are granted release by the Parole Board or conditionally released must serve the remainder of their sentence under the supervision of a parole officer. Parole Officers are unique in that they are both peace officers and caseworkers who provide supervision and support services to parolees (NYS OMH 2020). Parole Officers are the bridge between the newly released individual and the community. In this capacity, they coordinate the delivery of available services, help to motivate, and guide parolees and report on their progress. Parole Officers can revoke parole for violations of conditions or release and return the parolee to custody (usually in county jail) pending preliminary and final hearings before a Parole Board. (NYS OMH 2020)



Group Discussion: Process Notes



Part 4: Judicial

The Courts

The court system in New York State operates on a number of levels. It is organized through the Unified Court System (NYSUCS) which makes court resources relatively easy to find.

<https://www.nycourts.gov/home.shtml> Courts are organized geographically according to 4 departments (1st thru 4th) that are further subdivided into 13 districts (NYSUCS 2020). Most of the districts include several counties, except New York City, where each borough is its own Judicial District. Compare this to a more rural area, such as the 4th Judicial District, with 11 counties included in one district. These differences correspond to the varying population in the districts.

Jurisdictional Courts (NYSUCS, 2020)

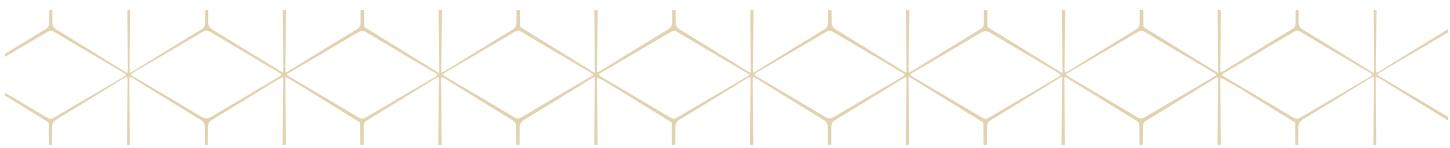
- City Courts exist in 61 cities and have jurisdiction over criminal (misdemeanor and felony) offenses. In addition, some City Courts have separate parts to handle drug treatment, mental health, and domestic violence. City Court judges act as arraigning magistrates and conduct preliminary hearings in felony cases.
- County Courts are established in each county outside New York City. They try all criminal cases committed within the County and have jurisdiction over all serious charges such as felony cases.
- Supreme courts -Criminal courts in New York City are called the supreme courts and have jurisdiction over criminal matters. (In contrast to other cities where county courts preside over criminal cases)
- Town and Village Courts Town and Village Courts have jurisdiction over violations and misdemeanors. As magistrates, Town, and Village Court justices (elected officials and generally not lawyers) hold arraignments and preliminary hearings for those charged with criminal charges.

Role of Courts

The court system is where charges are filed, and the judge serves as the top officer. Any person arrested with a violation (or other charge) will need to appear before the court.

Basic roles:

- A judge is present at all court proceedings. In addition to adjudicating cases, judges set bail, hear charges and pleas, and decide sentencing in trials. Judges have discretion to decide if a person can be released or needs to be detained (also known as remanded into custody). For example, a judge might meet with the arresting officer at booking and decide to release a person on her or his "own recognizance", meaning that the person can leave with the responsibility to appear later.



- District Attorney: Represents the State on cases. The person charged is called the defendant. So, you might hear of a case as the "State of New York Vs T Smith". This shows the plaintiff (the State) and the defendant (the person accused of an offense). The DA or Assistant DA are very important in any criminal case.
- Other Court officers: A number of other positions in the court provide support to the process:
 - Court Clerk helps the judge manage cases, keeps track of court files and calls out names of cases (in court proceedings)
 - Court Officer (sometimes called a bailiff) oversees courtroom security
 - Court Reporter: Keeps verbatim notes of what is said in court. Use a Stenograph-a kind of modified typewriter to write these notes.
 - Court Interpreter: This person is provided if a party in a case does not speak English.

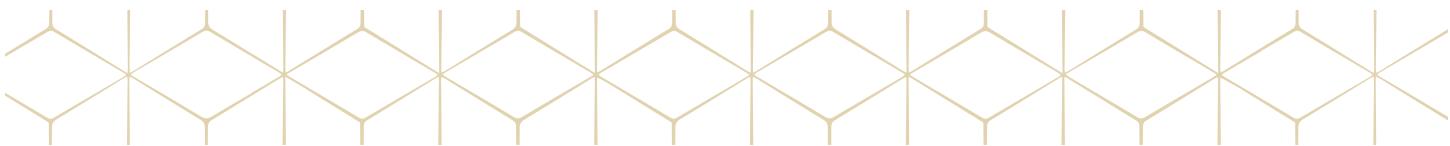
Specialty Courts

Specialty courts have been developed to serve defendants with unmet mental health or substance use needs, or other mitigating conditions. These courts can be very helpful for peers with mental health or substance use issues to divert them from criminal charges and into treatment.

These include: (all references NYSOMH, 2020)

Mental Health Courts

- Mental Health Courts work closely with service providers to ensure that individuals obtain appropriate services. The purpose of these courts is to help people who are facing charges to get individualized services to help in recovery. These courts were originally designed to alleviate overcrowding local jails and to increase communication between the mental health and criminal justice systems. Currently there are MH courts in each of the NYS Judicial Districts. Some major purposes of MH courts:
 - Link individuals to community-based services and treatment is designed to reduce cycle of recidivism.
 - Reduce both the frequency of arrests and the duration of incarceration of justice-involved individuals living with mental illness for whom community-based treatment is an appropriate alternative to incarceration.
 - Reverse trend toward criminalization of mental illness. Instead of incarcerating justice-involved individuals living with mental illness, MHCs help to connect them to community-based treatment and support services that encourage recovery. (NYS OMH 2020)



Drug Courts

Defendants facing felony or misdemeanor charges where drug addiction is a component of their offense may be eligible to participate in a drug court program. Similar to MH Courts, Drug Courts investigate if drug treatment might be an effective alternative to criminal charges. If people are referred to a treatment program in lieu of criminal charges they may be asked to complete a court mandated drug treatment program. Upon successful completion of the program, participants may have their charges dismissed or reduced. In some cases, the participant's sentence will be reduced and/or charges will be dropped. At least 124 separate drug courts are in operation in New York State, at least one in each Judicial District. Their overall role:

- Hear cases where substance use disorders are primary issue: treatment intervention in exchange for a reduced sentence.
- Will need to meet conditions such as treatment, testing, program requirements.

Opioid Court

Recognizing the connection between the opioid crisis and criminal activity, the state created specialized Opioid courts to address people with opioid addiction very early in the arrest process. Currently the state has 23 such courts, with at least 1 in each Judicial District.

This early intervention program features:

- The process of initial interview, arraignment, bio-psycho-social screening, and transfer to treatment completed within 24 hours of arrest. Connects high risk people with judicial supervision
- Developed as a pre-plea, voluntary model that would serve as a medical triage for any offender at high risk of overdose.
- Upon stabilization, defendants can continue into a drug treatment court if they remain engaged in treatment and recovery supportive services.

Veteran's Treatment Courts

Serve veterans with challenges adjusting to civilian life including mental health problems or substance use, Criminal behavior that may stem directly from service in combat zones and may be amplified by reentry into civilian life (NYS OMH 2020)

- 38 Veteran's courts across the state with at least 1 in each (known as Veterans Court or Veterans Track in some jurisdictions) address these challenges in a forum that is helpful to veterans' rehabilitation. Where available, VTCs work with civilian healthcare providers, local veterans service agencies, the New York State Division of Veterans' Services, and the U.S. Department of Veteran Affairs. They utilize veteran mentors and mental health specialists to complement probation services and incorporate a therapeutic approach to afford veterans opportunities to transition into civilian life and regain stability. (NYS OMH 2020)

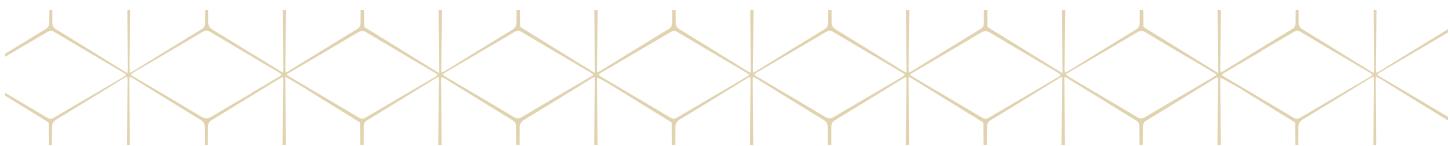
Group Activity:

Search <https://www.nycourts.gov/home.shtml>

Notes

Group Discussion: Process Material

- Does anything need to be clarified?
- Was any information new to you? Surprised you?
- Any additional information anyone would like to add?



Lesson 2: The Criminal Justice Process

This lesson will provide an overview of the legal process, including potential outcomes (dispositions) and the parts of the legal system involved. This overview will cover major points of criminal justice process but cannot possibly give a complete picture of this process.

Entry Points to the Legal System

Arrest

An arrest is made by a police officer, who apprehends a person and takes this person into custody for committing a violation, misdemeanor, or felony. The arrest may be set in motion by a 911 call, a report from a dispatcher (generally reported by some witness or alleged victim), or through observation of illegal behavior on the part of the officer. Thus, an officer can arrest a person based on "reasonable grounds" that a crime has been committed or based on a warrant issued for the person. In the case of a warrant, a Sheriff might come to the scene (NYS OMH 2020). After the arrest, a person is handcuffed and taken in the squad car to a station for booking.

Where the booking takes place depends on the location and the size of the city/jurisdiction where the alleged crime took place New York City: Booking takes place at dedicated booking facilities located in precincts around the city

- Other cities: Booking will take place at the nearest police station
- Rural areas and towns: Bookings take place at State Police Barracks or Sheriff barracks, sometimes Town Halls

Booking

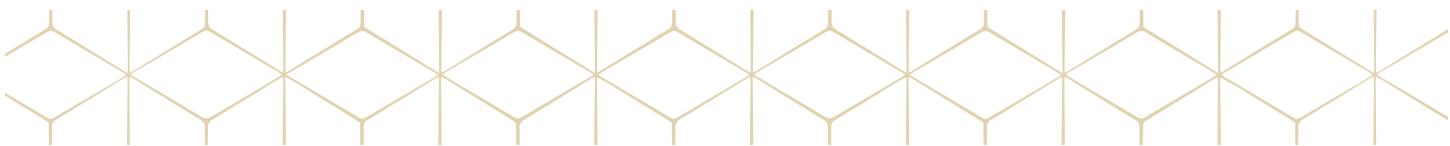
The second step in the arrest process is booking, which is an administrative record of the arrest.

- Fingerprints taken and compared to any existing prints on file (criminal record index)
- "Pedigree": tattoos, distinguishing characteristics, ID, piercings
- Search for any outstanding warrants, search of criminal record
- Personal information such as local family and contacts, employment, etc.
- In New York City almost all arrested persons are interviewed at Central Booking by a representative of the Criminal Justice Agency (CJA), which provides peers with lived experience for this role.
- In New York City the arresting officer brings the arrested person to the Assistant District Attorney to discuss the case and whether to file a complaint. Outside of NYC the District Attorney is not a part of this process.
- The arresting officer (or victim) files a criminal complaint that serves as the basis for the criminal proceedings.

The result of a booking varies based on the seriousness of the charge. If the charge is a misdemeanor or violation, the person may be:

- Released on own Recognizance (ROR) -with an appearance ticket to appear. Person must appear within 24 hours at arraignment.
- Released with pre arraignment bail. The judge will set bail. Recent cash bail reforms have made substantive changes to this process. Traditionally the judge has set bail using such criteria as the defendant's community ties, length of residence in the county, employment/educational history, past criminal record, past compliance with court orders, and the severity of the case and sentence that might be imposed if convicted.
- Retained/remanded to custody (will be required to stay in jail or other holding facility) police lockup until arraignment.
- A judge might arrive (in some cases) to release the person until arraignment within 24 hours.

Group Discussion: Process Notes



Arraignment

The arraignment is the accused person's first appearance before a judge. State Law requires prompt arraignment-within 24 hours on weekdays or up to 48 hours if arrested on a weekend (or when judge becomes available). Prior to the arraignment a person may retain counsel and have a lawyer present. (a peer can also be present at this point for support, but not for legal counsel). The main purpose of the arraignment is to formally accuse the person of the charges from the arrest. During this process the accused person is:

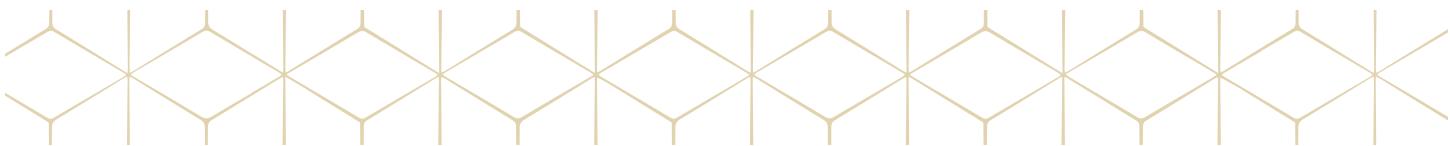
- Informed of and given copy of formal charges against her/him
- Informed of right to counsel and if necessary assigned counsel for arraignment
- Asked to enter plea of guilty or not guilty, if charged with misdemeanor or violation (charges discussed later)
- Informed of the right to a preliminary hearing (discussed later) if charged with a felony.
- Can plead (but guilty waives right to trial)
- Judge decides if the charge requires bail to ensure that the person attends the next hearing.
- Judge decides whether to release the person (ROR, release under conditions, etc.) or remand the person into custody until the next hearing.
- **IMPORTANT:** At this stage the defense lawyer may approach the judge to begin plea bargaining: a process that involves negotiating conditions to reduce the charges/sentence faced.

An Important Note about Plea Bargaining.

Plea bargaining is used in most cases to resolve charges through having a defendant plead guilty to a less serious charge. This involves negotiation between the defense and district attorney (and the judge) to reach a quicker and less costly resolution to a case. The process is largely influenced by the seriousness of the case (misdemeanor versus felony). In the case of a misdemeanor, the defense usually offers a plea of guilty to a lesser charge in exchange for a reduced sentence (or lesser charge that might involve probation versus jail/prison). In the case of a felony, the plea bargain might look to negotiate. Most cases in New York State are solved in this way versus going to trial (NYS OMH 2020). Apart from the possibility of facing reduced charges, a peer in this situation can avoid the trauma that might come with a more prolonged process of hearings and public testimony.

Post Arrest and Pre-Trial Phase

The criminal justice process diverges from here, depending on the disposition (outcome) of the arraignment. Unless the case is dismissed at the arraignment or a plea bargain is reached, the accused will need to attend at least one or more hearings to reach a verdict or to proceed to additional steps in the case. The way the case proceeds is directly related to the seriousness of the charges: whether misdemeanor or felony, or a criminal complaint. For peer supporters it is important to know the seriousness of the charges and the disposition of the defendant/accused. If the person is released, she/he still needs support. Perhaps most important for peers is whether the supported peer is still detained after arraignment.



Charges Explained

Since the legal process from this point depends largely on the charges, a brief description of the types of charges is necessary to understand the post arrest and pre-trial phase.

For this part of the process the main participants are the prosecution (the district attorney- or more likely-the assistant district attorney) and the defense attorney.

Violation

This type of charge is best shown by example. Trespassing and disorderly conduct are considered violations. They are illegal, yet not considered a crime in the strictest sense. In New York State the most a person can be punished for a violation is a fine or 15 days in jail. (NYSUCS 2020).

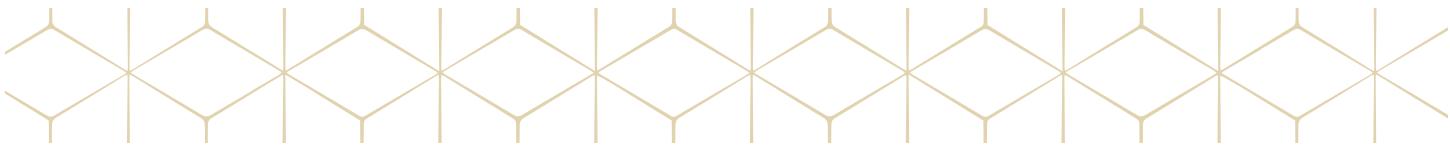
Misdemeanor

A misdemeanor is more serious than a violation, but less serious than a felony.

Misdemeanors are punishable by 15 days to 1 year in jail and up to \$1,000 in fines. Misdemeanors in New York are divided into 3 classes:

Misdemeanors by Class, Punishment, and Example of type of infraction.

Class	Punishment	Example
Class A misdemeanors	punishable by up to 1 year in jail	include forcible touching, sexual misconduct, and assault in the 3rd
Class B misdemeanors	punishable by up to 90 days in jail	prostitution, harassment in the 1st degree,
Unclassified misdemeanors	penalties associated with unclassified misdemeanors are detailed in the specific laws defining each unclassified offense	include aggravated unlicensed driving and reckless driving.



Rules on Detention for Misdemeanors

The state has protections in place to guarantee that charges are filed and processed in a timely manner. For a person jailed, or on bail on a misdemeanor charge, the prosecution must convert the criminal complaint to an “information”. Both types of affidavits, a complaint is based on second-hand information, while an “information” is sworn by a person who has first-hand knowledge of facts. The prosecutor has 5 days from arraignment (not including Sunday) to convert a complaint to an information (by obtaining 1st hand affidavits). If the time limit is not met, the defendant must be released. As a peer, if a person you support is being held on a Misdemeanor, pay attention to these rules to ensure that the peer you support is getting her/his right to a timely legal process. (NYSUCS 2020)

Felonies

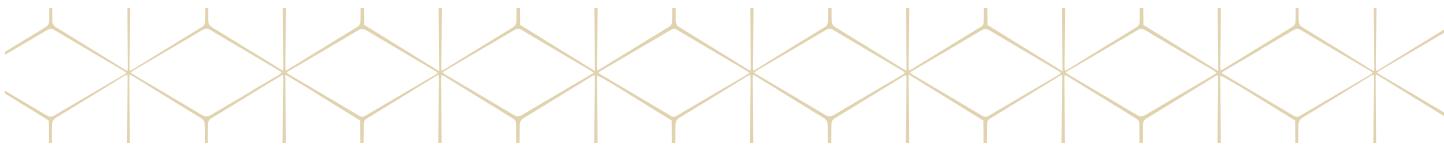
Felonies are the most serious crimes, like murder, rape, and arson. If found guilty of a felony, a person may be sent to jail for at least 1 year and up to life in prison. The Judge may sentence less time in jail and give probation for the rest of the time. Felonies are divided into groups based on seriousness: A-I or A-II, B, C, D, and E. (NYSUCS 2020)

Felony Class	The Most Punishment
Class A-I or A-II felony	Life imprisonment unless it is a drug felony
Class B felony	25 years in prison
Class C felony	15 years in prison
Class D felony	7 years in prison
Class E felony	4 years in prison

Detaining a Person on Felony Charges

A defendant held on bail or in custody for a felony also has a right to a timely disposition of the case. In the case of a person held on a felony charge, the prosecution has 144 hours (5 days) to present the case. If the time is not met, the defendant is released.

Group Discussion Notes:



Grand Jury

A Grand Jury is a panel of 23 persons chosen on a county-wide basis. It is brought together to determine the validity of evidence to support the prosecution's case. The Grand Jury is not open to the public and only includes the District Attorney, defense attorney, and the empaneled Grand Jury. The Grand Jury

- hears evidence presented by District Attorney and determines if sufficient evidence to charge defendant for felony.
- After hearing evidence if 12 jurors decide if the case is strong enough to proceed with the case, they return a "true bill". The foremen of the Grand Jury files indictment with superior (criminal) court.
- If the Grand Jury decides there is not enough evidence to proceed than they turn in what is called a "no bill". If the result is a no bill, the case is dismissed.

Preliminary Hearing

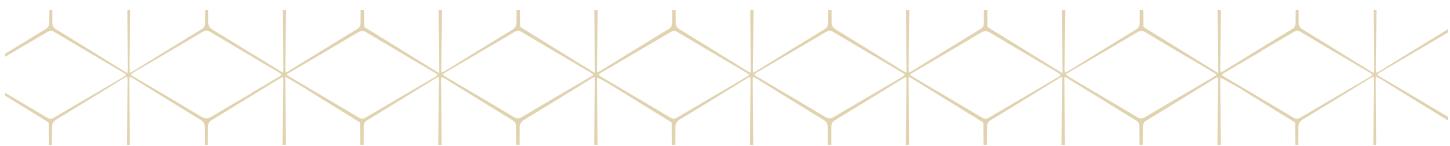
A preliminary hearing involves the prosecution, defense, and the judge assigned to the case. During this type of hearing the prosecutor may call witnesses to testify or present physical evidence. The Defense attorney may cross-examine witnesses and question the evidence. Such a hearing might also take place if the prosecution is unable to present the case within 6 days from the arraignment. In this case a preliminary hearing is held to determine if enough evidence exists to proceed with the prosecution. If so, the prosecution has 45 days to present its case to the Grand Jury. This type of hearing is much less common than the use of the Grand Jury and, in many cases, the defendant waives the right to this hearing to allow the case to be sent to the Grand Jury (NYS OMH 2020)

Post Indictment Arraignment-felony

Following an indictment by the Grand Jury, a second arraignment takes place at the criminal court where felony cases are tried (Supreme for NYC and county for other locations). During this hearing the defendant enters a plea of guilty or not guilty (guilty goes straight to sentencing). At this point the conditions of bail are reviewed and set. Perhaps most importantly, at this point the Prosecution and Defense might (and in most cases do) meet with the judge to plea bargain. (NYCUCS 2022) In this process the Defense seeks to plead guilty to a lesser charge to secure a reduced sentence. Note that most cases are solved in this manner and very few go as far as a trial.

Pre-Trial Phase Motions

If plea bargaining this fails to result in agreement, motions will be made and decided and a trial date will be fixed.



Motions and Discovery

At this stage both the defense and prosecution have an opportunity to make motions to have the court take specific action in the case. (NYS OMH 2020). These can result in hearings to determine whether the motions should be granted. The motions must be made within 45 days of the indictment arraignment. (NYS OMH 2020). A Judicial Hearing Officer may take testimony at pre-trial hearing and submits a report to the presiding judge for a final decision. This 45-day period also includes the timing for the defense to make motions for discovery. Discovery is the opportunity for the defense to learn about the evidence to be used against the defendant

Defense has 45 days to make its substantive motions-called an omnibus written motion, which will include requests to discover information about the prosecutor's case, or to suppress certain evidence (like evidence illegally obtained) defense lawyer will seek to exclude this evidence.

Examples of common motions:

- Motion to suppress physical evidence on grounds that was seized during illegal search (Mapp or Dunaway hearing)
- Motion to suppress statement made by defendant on grounds that illegally obtained involuntarily due to pressure, tricks, threats, or physical abuse or not properly advised of right to remain silent (Miranda) or that statement was product of illegal arrest
- Motion to suppress proof of an identification of defendant on grounds that lineup was held in illegal or suggestive manner (NYS OMH 2020)

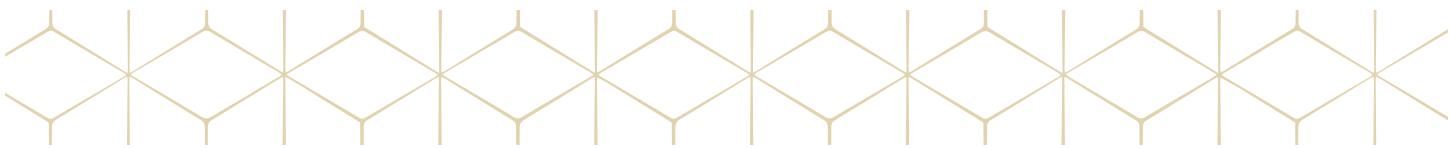
Superior Court:

(This is with the county court or Supreme for NYC) also called "Calendar Part"

This is first step after indictment by Grand Jury or defendant's consent to filing a superior court 'information.' The Superior courts choose a judge to hear the case from inception to conclusion through the IAS Individual assignment system. Depending on the county, assignment may precede or follow on the indictment in Superior Court.

Trial

While a trial by jury is highly dramatized in movies and television, **only about seven percent of cases proceed to trial**. (NYS OMH 2020). Nonetheless this is an important part of the legal process to determine whether charges made against the defendant are established by proof of guilt beyond a reasonable doubt. In New York State, a Jury is made of 12 persons and 4 alternates. This group is chosen from a drawn from list including registered voters, licensed drivers, and income tax records.



Here are the basic steps in the order of a trial:

1. The jury is selected and sworn after both sides of lawyers have had opportunity to question prospective jurors regarding their qualifications to serve- (called voir dire). Each side is allowed to challenge prospective jurors and eliminate some based on perceived opinions/biases.
2. Judge delivers preliminary instructions to jury for the trial.
3. The prosecutor and defense give opening statements and call witnesses to testify.
4. After all evidence is heard, the jurors deliberate in private (sequestered).
5. The Verdict is read by the foreman of the jury.
6. The Judge passes sentence.

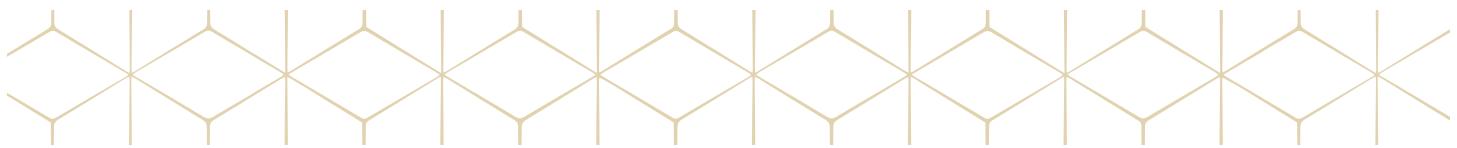
Sentencing:

A defendant's final appearance in court is for sentencing. All felony convictions require a pre-sentencing report prepared by Department of Pobation. The Judge may order a presentence investigation and report at any time during the trial process for misdemeanors and felonies. The report provides information on defendant's background, possible mitigating circumstances involved in commission of the crime, likelihood of successful probation and suggested programs of rehabilitation. The judge does not have to follow the dept recommendations.

The defendant can face one of 10 types of sentences:

1. Unconditional discharge-the person goes free
2. Conditional discharge-The person goes free but needs to follow certain court mandated conditions (such as a drug program)
3. Fine-This covers court costs
4. Conditional discharge plus a fine:
5. Probation
6. Fine plus probation
7. Imprisonment
8. Imprisonment plus fine
9. Imprisonment plus probation
10. Imprisonment (for 60 days or less) plus conditional discharge.

Group Discussion Notes:



Next Session:

- Session 1: Intro to the Incarceration Experience
- Session 2: Systems Literacy in Criminal Justice
- **Session 3: The Sequential Intercept Model in Justice-Involved Peer Support**
- Session 4: Trauma-Informed Training for Supporting Justice-Involved Populations
- Session 5: Individual and Systems Advocacy for Justice Involved Peers
- Session 6: Justice Involved Learning Collaborative

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