

MY FAMILY MEMBER JUST GOT ARRESTED:



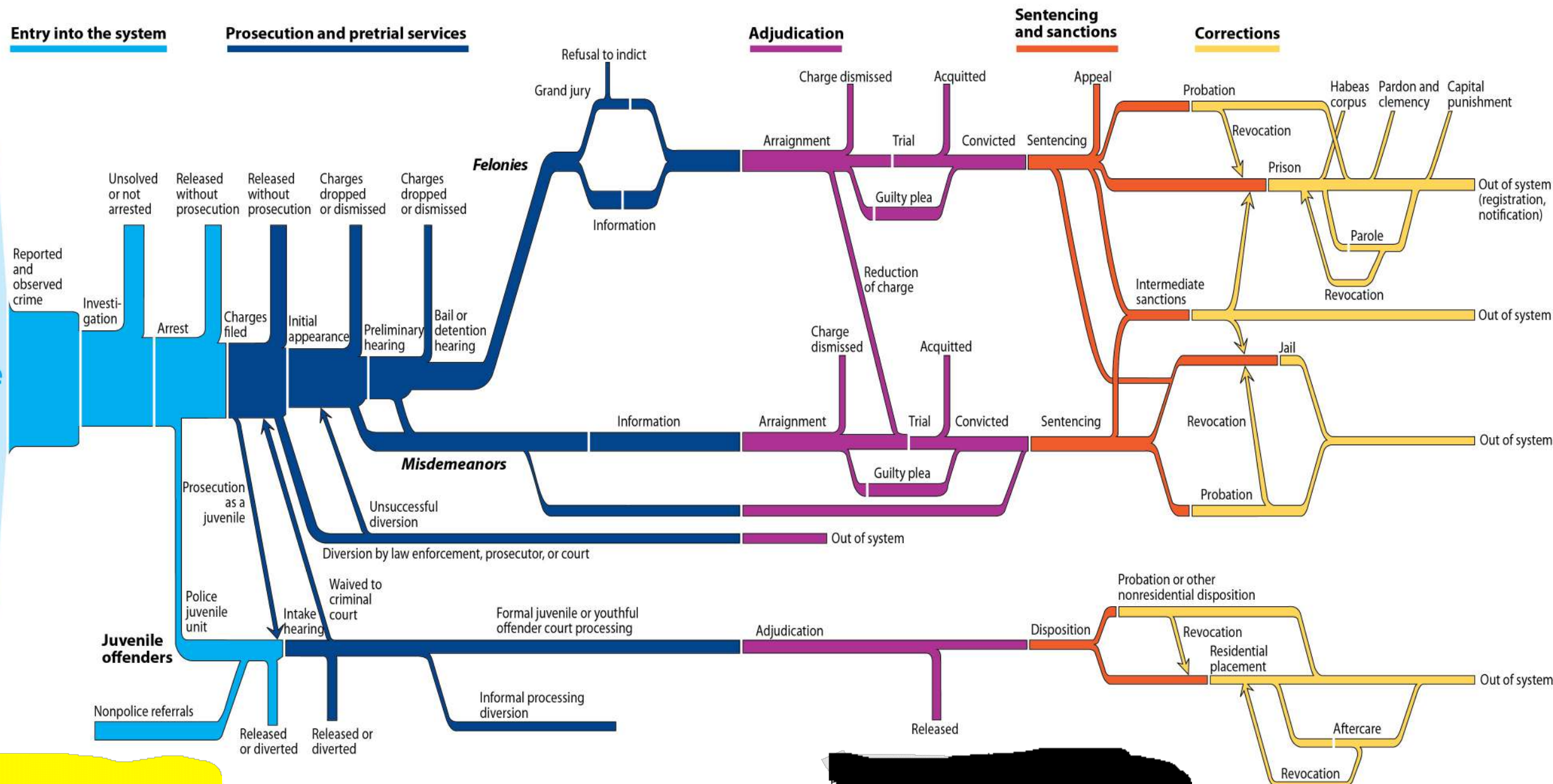
# NECESSARY DISCLAIMERS ...

**Tonight's presentation ...**

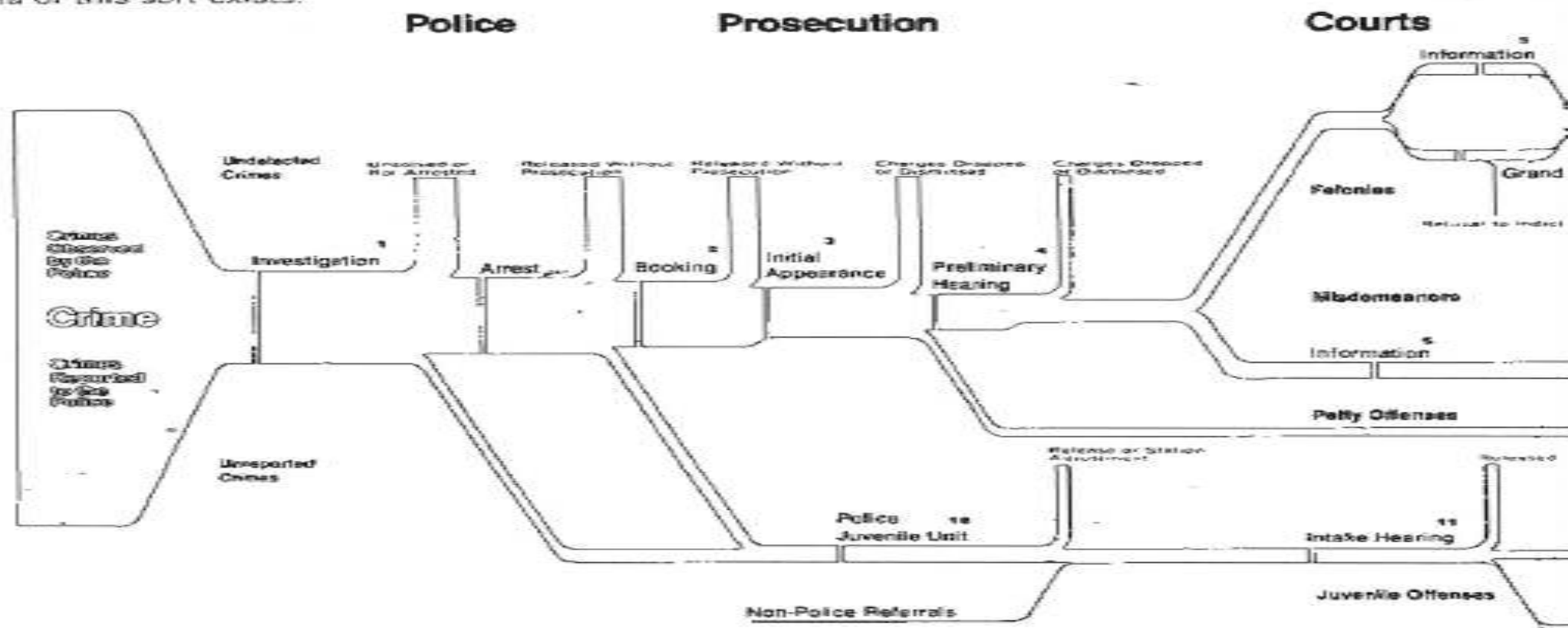
- **Is for education, not legal advice.**
- **Does not reflect the views of ACMI's Board or individual board members.**
- **Focuses on adults designated SMI, charged with felonies & misdemeanors under AZ law in Maricopa County; No Federal or tribal law; No juvies.**



## Crime

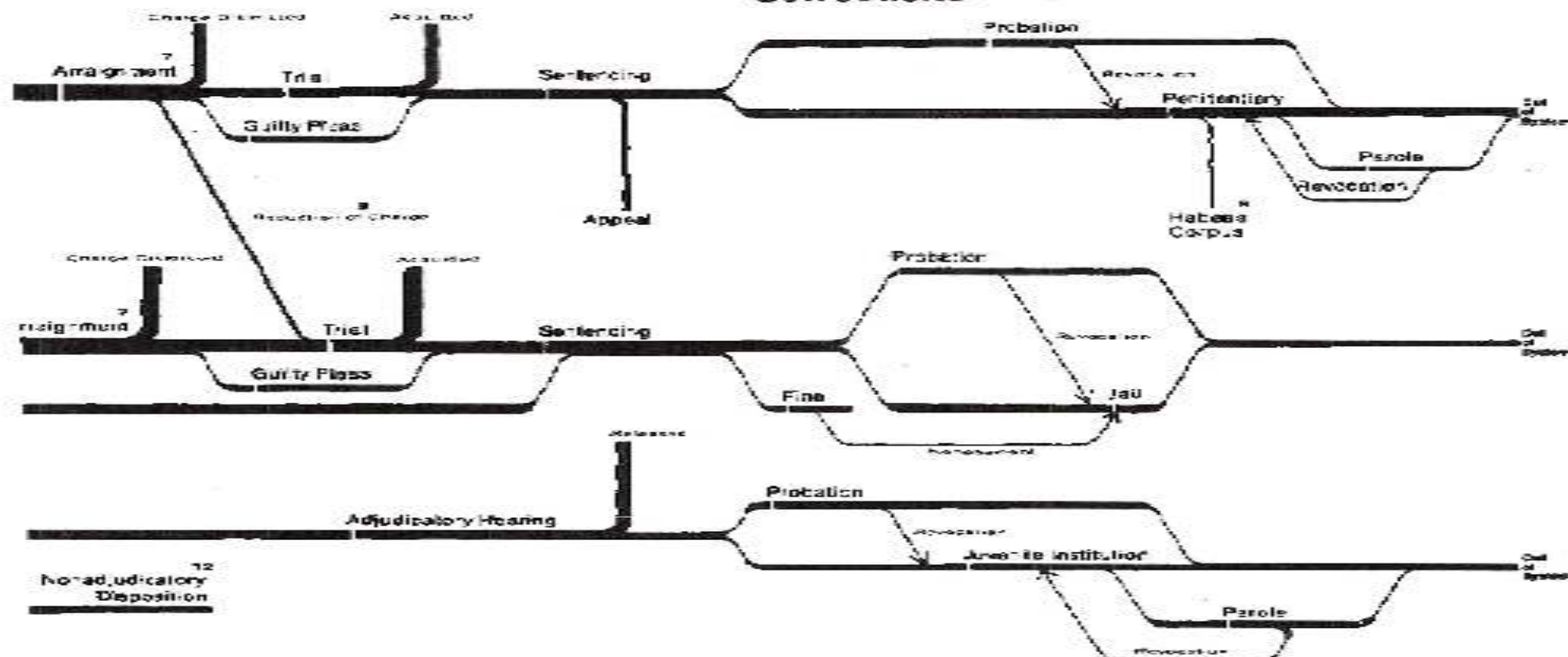


This chart seeks to present a simple yet comprehensive view of the movement of cases through the criminal justice system. Procedures in individual jurisdictions may vary from the pattern shown here. The differing weights of line indicate the relative volumes of cases disposed of at various points in the system, but this is only suggestive since no nationwide data of this sort exists.



- |  |   |  |
|--|---|--|
| May continue until trial.  | Before magistrate, commissioner, or justice of peace. Formal notice of charge, notice of rights. Not set. Summary trials for petty offenses usually conducted here without further proceedings. | Charge filed by prosecutor on basis of information submitted by police or citizens. Alternative to grand jury indictment, often used in Scotland, almost always in misdemeanors. |
| Administrative record of arrest. First stop at which temporary release on bail may be available. | Preliminary testing of evidence against defendant. Charge may be reduced. No separate preliminary hearing for misdemeanors in some systems.   | Reviews whether Government evidence sufficient to justify trial. Some States have no grand jury system; others seldom use it.  |

## Corrections



7 Appearance for plea; defendant elects trial by judge or jury (if available); counsel for indigent usually appointed herein in felonies. Often not at all in other cases.

8 Charge may be reduced at any time prior to trial in return for plea of guilty or for other reasons.

9 Challenge on constitutional grounds to legality of detention. May be sought at any point in process.

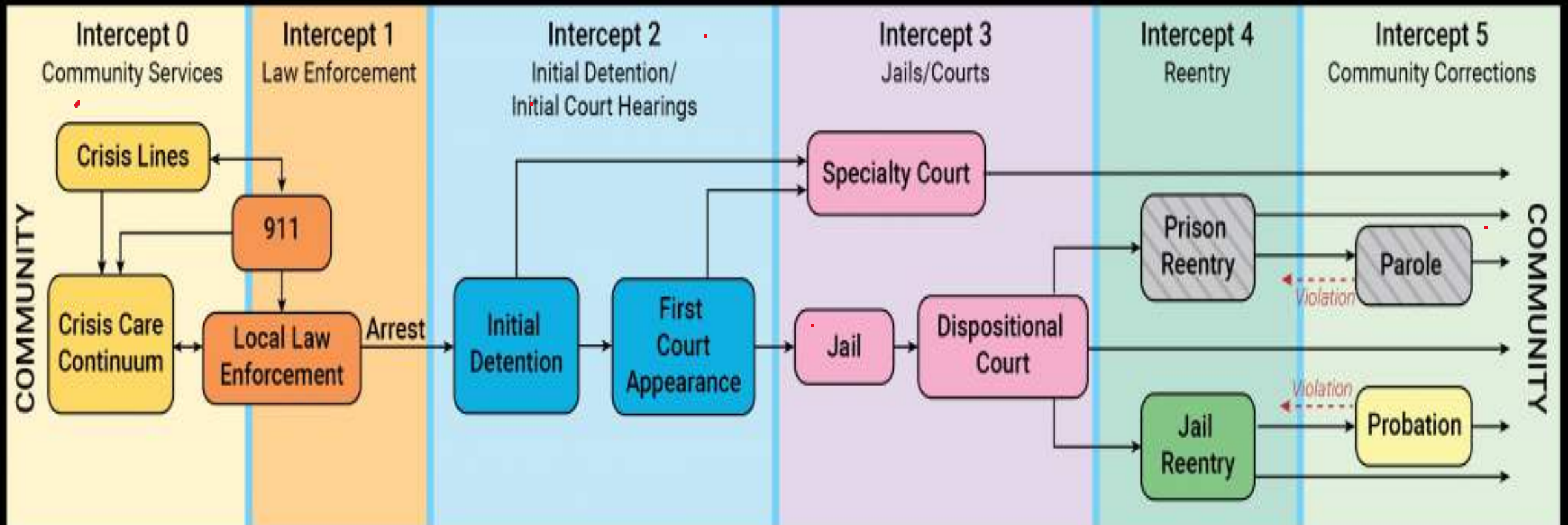
10 Police often hold informal hearings; dismiss or adjust many cases without further processing.

11 Probation officer decides desirability of further court action.

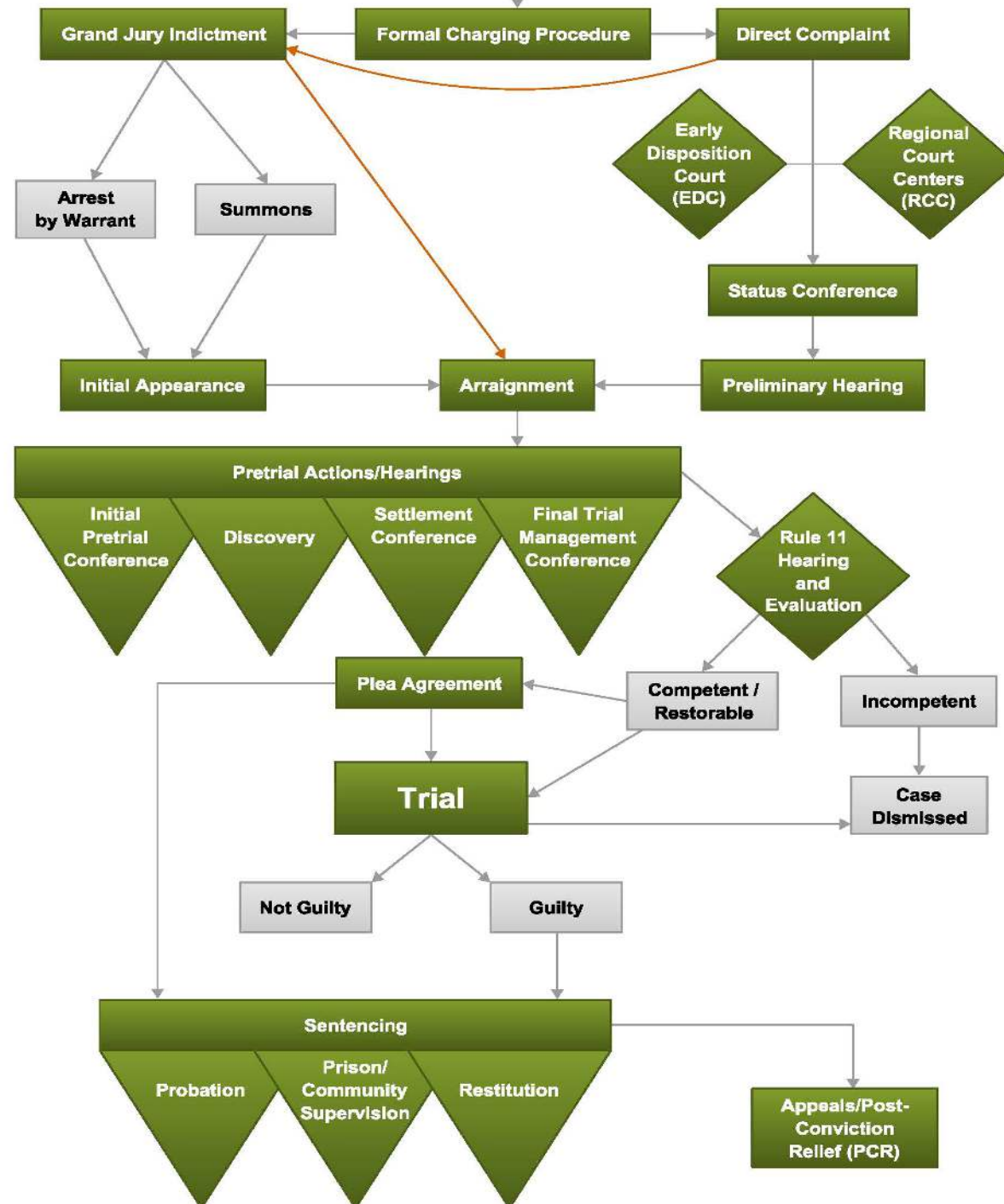
12 Welfare agency, social workers, counseling, medical care, etc., for cases where adjudicatory hearing not needed.



# INTEGRATING AZ CRIMINAL JUSTICE SYSTEM INTO SAMSHA'S SEQUENTIAL INTERCEPT MODEL



# MCAO ADULT CRIMINAL CASE FLOWCHART



# INTEGRATING AZ CRIMINAL JUSTICE SYSTEM & SAMSHA'S SEQUENTIAL INTERCEPT MODEL

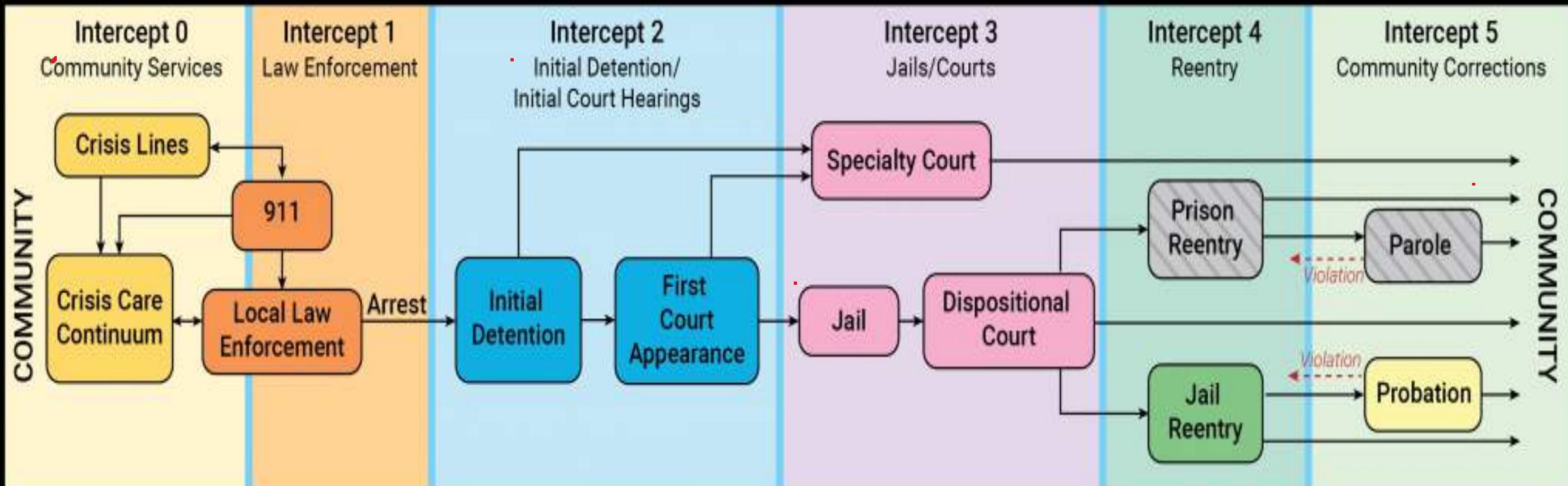


*Prosecution/Pretrial Sccs*

*Adjudication/Sentencing*

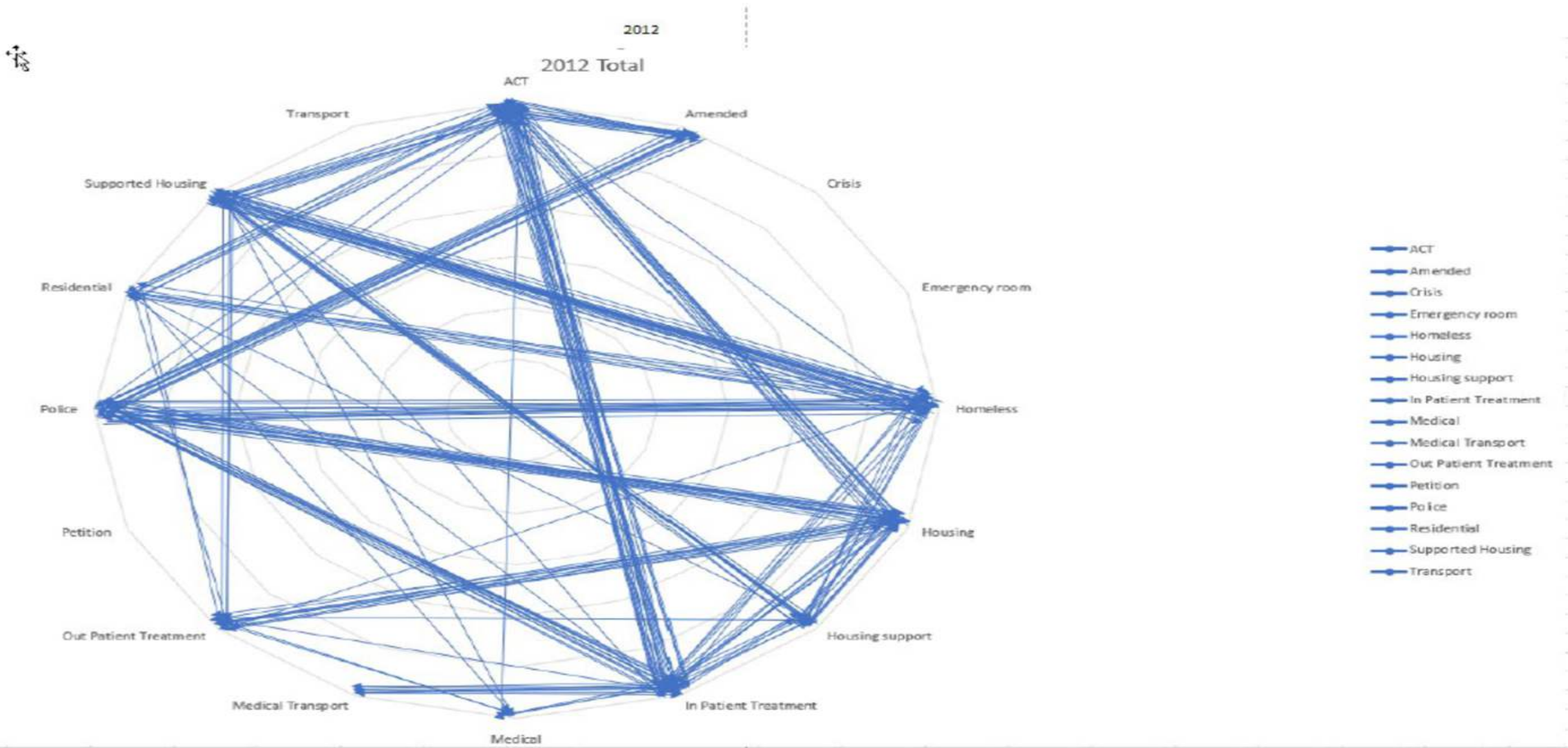
*Corrections*

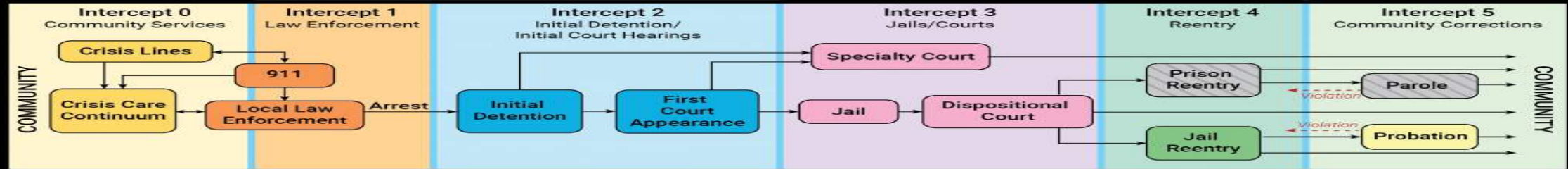
*/Sanctions*





# THE GOLDSTEIN TANGLE





## COMMUNITY = SYSTEM OF CARE "GROUND 0" To PREVENT ARRESTS

- Crisis Care Continuum ("Reckless Release" - Bianca Buono, 12 News)
  - Screening Agencies Discharging Individuals if UA+
  - Responsiveness to Families, Guardians & Law Enforcement
  - Communication about FU
  - Understanding of "DTS/DTO"
- BHPs Calling "911" or Evicting Individuals for Behaviors
- Individuals Living with Chronic Mental Illness: Homelessness; Inadequate Beds & Settings

# ARIZONA FELONY CONVICTION: A LIFETIME GAME CHANGER

- **Tough Criminal Code w/ Long Sentences**
- **Sentencing By Chart; Minimal Judicial Discretion.**
- **Mental Disorder is NOT A Defense to Committing a Crime**
  - **GEI not NGRI.**
  - **ASH not prison. Or both.**
- **Collateral Consequences**
  - **Registration & Probation – Domestic Violence; Sex Offenses**
  - **Suspended Civil Rights for Felonies**
  - **Set Aside; No Expungement.**

# MISDEMEANOR ASSAULT – A.R.S. §13-1203

**A person commits assault by:**

- 1. Intentionally, knowingly or recklessly causing any physical injury to another person; or**
- 2. Intentionally placing another person in reasonable apprehension of imminent physical injury; or**
- 3. Knowingly touching another person with the intent to injure, insult or provoke such person.**

# AGGRAVATED ASSAULT – A.R.S. § 13-1204

## Class 2-5 Felony

**13- §1203 Assault + any of 11 items & sub-items**

What – Serious Injury, Etc.

Who – Peace Officers; Correctional Officers; Etc.

(e) A health care practitioner who is certified or licensed pursuant to title 32, chapter 13, 15, 17 or 25, 1 or a person summoned and directed by the licensed health care practitioner while engaged in the person's professional duties. This subdivision does not apply if the person who commits the assault is seriously mentally ill, as defined in [§36-550](#), or is afflicted with alzheimer's disease or related dementia.”

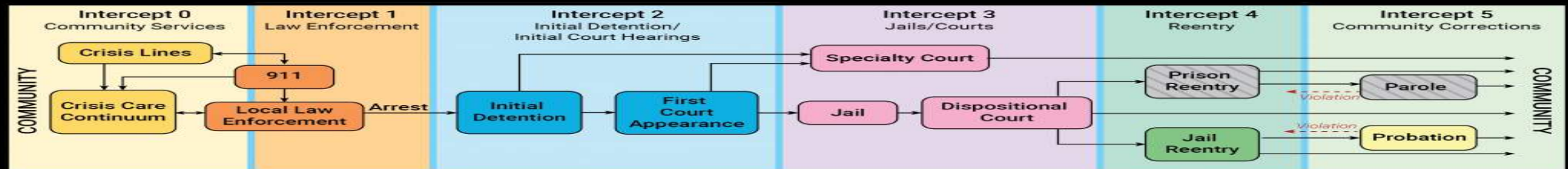
Where - Jail or Corrections, Etc.

What Else – Weapons, Simulated Weapon, Item of the Officer.



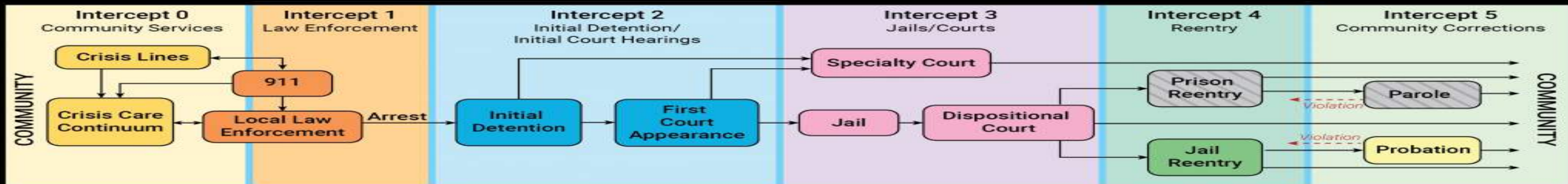
# UPON ARREST 3 THINGS TO NEVER DO

- **RUN.**
  - You won't make it.
  - You Add Charges.
  - You Look Guilty.
- **Touch An Officer.**
  - OR Spit, Throw Water, Or Kick Dirt, Etc., Etc.,
- **Interfere In An Arrest**
  - In any way whatsoever.



## UPON ARREST ... 3 THINGS TO ALWAYS DO

- Breathe
- Focus on Next Steps:
  - Contact Your Attorney.
  - Contact Your Support System.
  - Contact Your Clinical Team.
- Prepare Yourself For Uncertainty & Frustration.

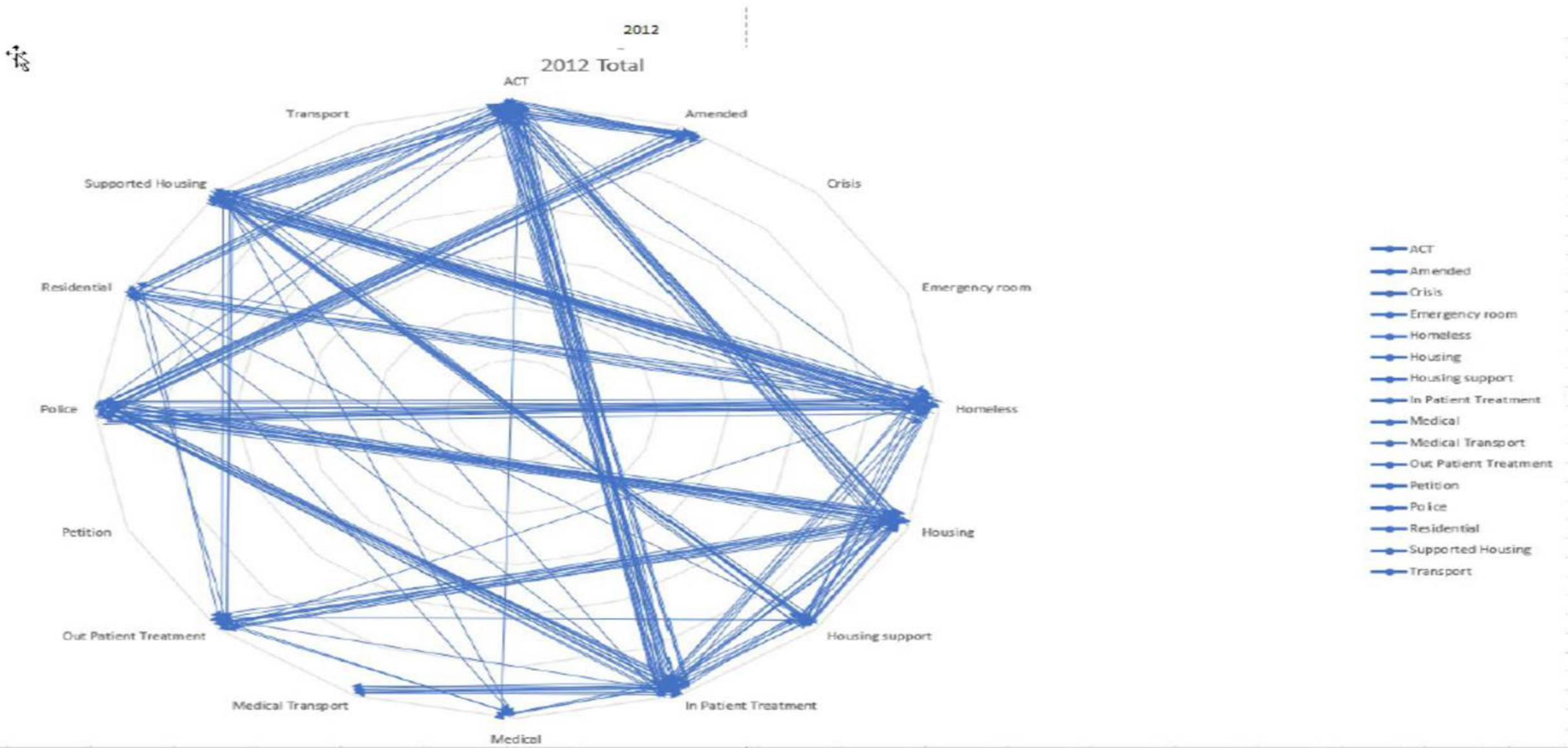


- Initial Detention – 4<sup>th</sup> Avenue Jail ---> ITR Facility, 2680 S. 28<sup>th</sup> Ave.
  - Booking; Mug Shots
  - RN Health Screening; Examination PRN
  - Classification: Custody Level & Jail Placement
  - Health Care PRN
- Initial Appearance – 24 Hrs. Most Maricopa County Arrests (Felony & Misdemeanor)
  - Charges; Bail; Release Conditions
  - Video Viewing of Courtroom – Lobby of Bonds & Fines
  - Private Victim Viewing Room
- Opportunity for Diversion (!) – “Pre-Charging” by Definition

## 3 CHALLENGES WHEN A LOVED ONE IS JAILED

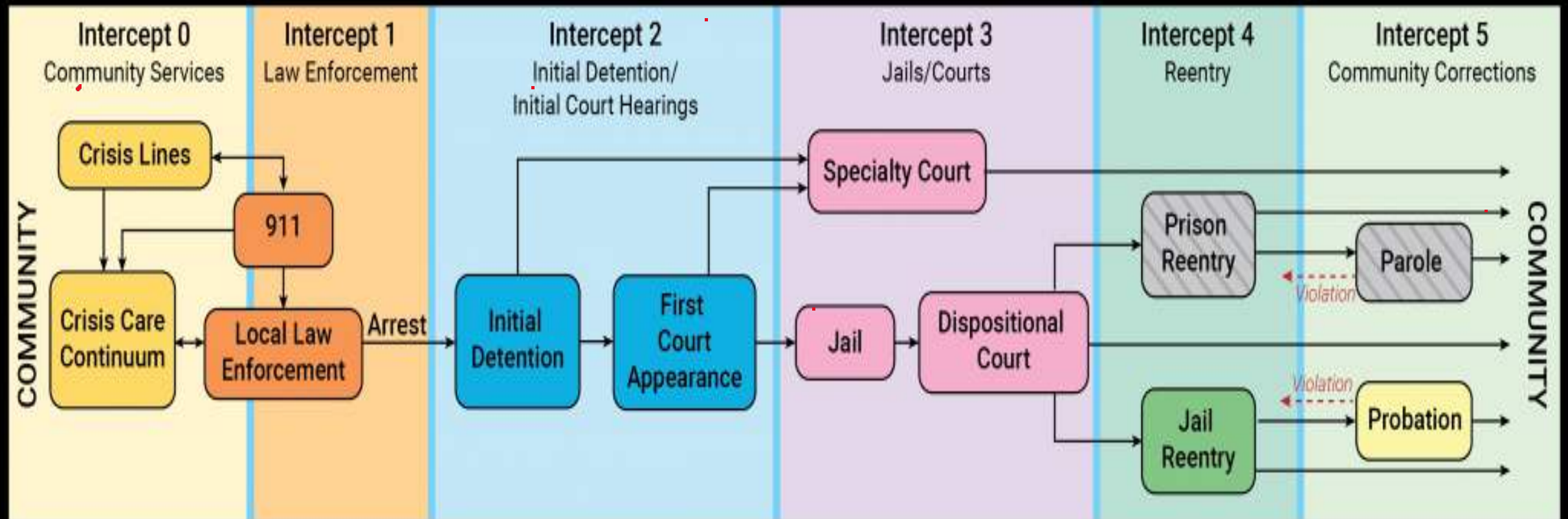
- 1. No physical Access; Limited Communication.**
- 2. Uncertainty, Guilt & Fear About Jail.**
- 3. Bail or Not?**
  - **Finances**
  - **Relative Risk of Jail vs. the Community**
    - **More Charges?**

# THE GOLDSTEIN TANGLE





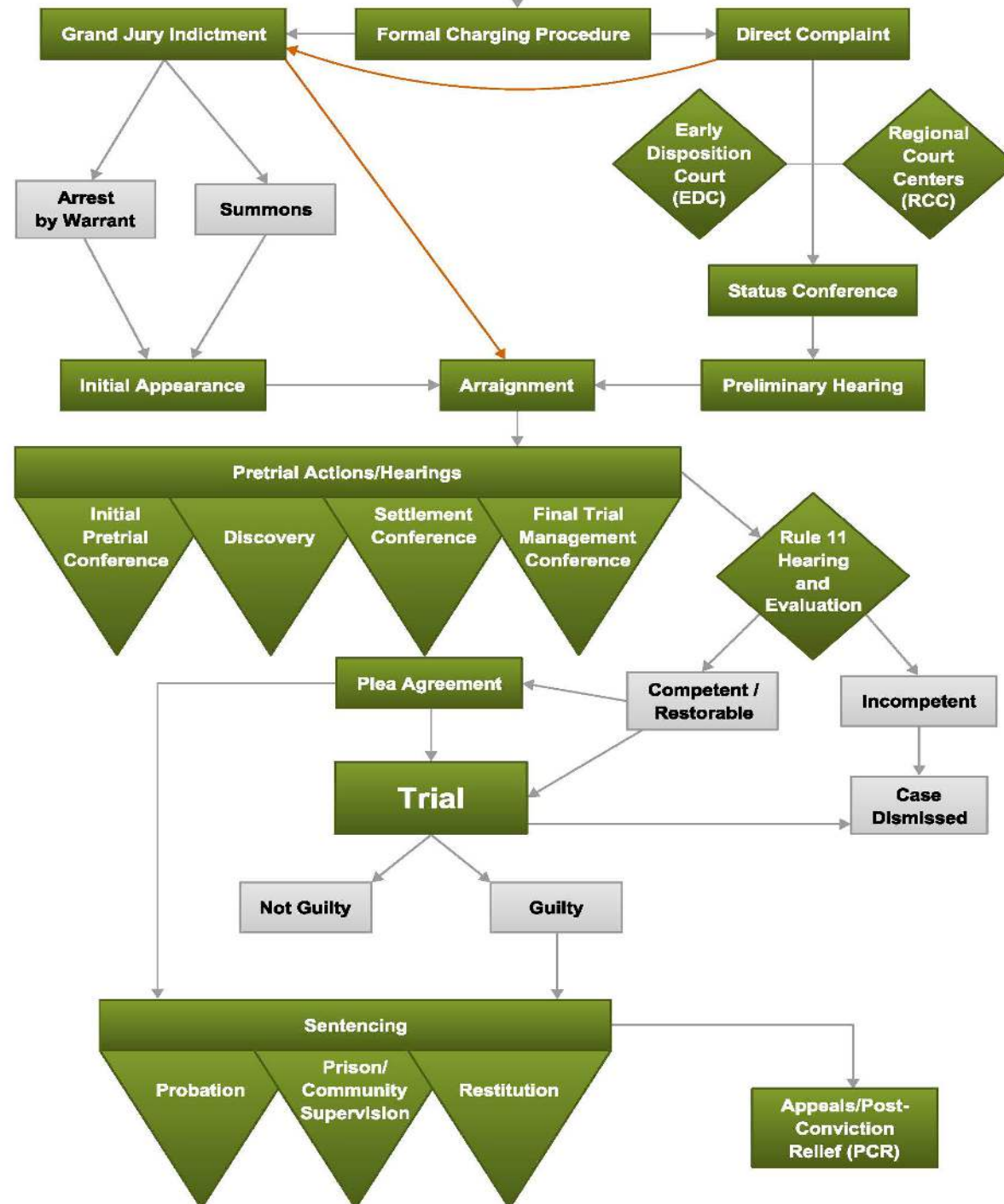
# INTEGRATING AZ CRIMINAL JUSTICE SYSTEM & SAMSHA'S SEQUENTIAL INTERCEPT MODEL



# DIVERSION AND DEFERMENT PROGRAMS

- ARS § 11-361 – AZ County Attorneys have sole discretion to divert or defer prosecution.  
(Elections matter)
- Maricopa County
  - Drug Diversion + Felony Pre-Trial Intervention Program (FPIP) NOW COMBINED
    - FPIP – Post Charging; CBT; F4 –F6; Minimal Criminal History; Low Risk to Reoffend
  - Justice Court Diversion – Post-Charging
- Yavapai County – Sheila Polk’s Remarkable Program
  - Nexus to substance abuse
- Coconino County –CBT; Deferred Prosecution
- Pima County- DTAP; Felony Drug Diversion; Adult Diversion

# MCAO ADULT CRIMINAL CASE FLOWCHART



# SPECIALTY COURTS aka “PROBLEM SOLVING COURTS”

- **MARICOPA COUNTY (Felonies & Misdemeanors)**
  - IA Court
  - Early Disposition Court (EDC)
  - Therapeutic Drug and DUI Court
  - Veterans Court
  - Comprehensive Mental Health Courts
- **MUNICIPAL COURTS (Misdemeanors)**
  - All the Above AND MORE!

# RULE 11 – Competency and Competency Restoration

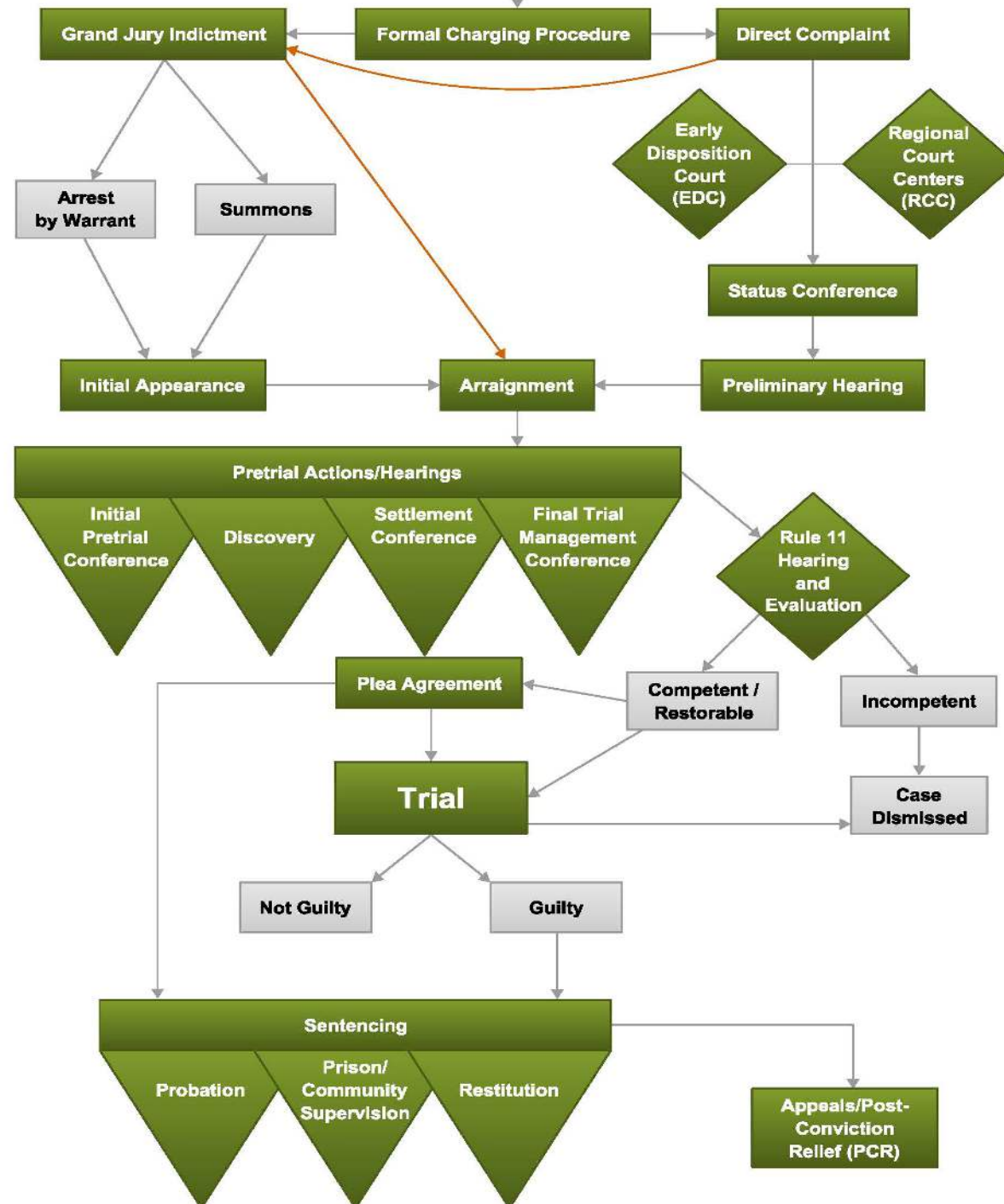
- **ISSUE: Is the Defendant able to understand the nature of the proceeding being brought against him and to assist in his defense?**
  - Can happen at any time in proceedings (“Competency is transient.”)
- **Motion by Prosecutor or Defense Counsel to Transfer Case to Rule 11 Court**
- **2 Experts Appointed – Forensic Services “List”**
  - Reports Confidential/Under Seal
  - But Discoverable for GEI



# RULE 11 – Competency and Competency Restoration

- **Competent:**
  - **Yes - Back to Regular Docket or Challenge**
  - **No - Restorable?**
  - **Maybe (“Tie”) – Tie Breaker Evaluator**
- **Not Competent -> “Competency Restoration”**
  - **In Custody – RTC Program run by CHS**
  - **Out of Custody – Outpatient Treatment Plan w/ Status Report**
- **Not Restorable**
  - **Order Title 36 Petition for COT be Filed**
  - **Order Title 14 Petition for Guardianship and/or Conservatorship Be Filed**
  - **Order Released & Charges to Dismissed Without Prejudice**

# MCAO ADULT CRIMINAL CASE FLOWCHART



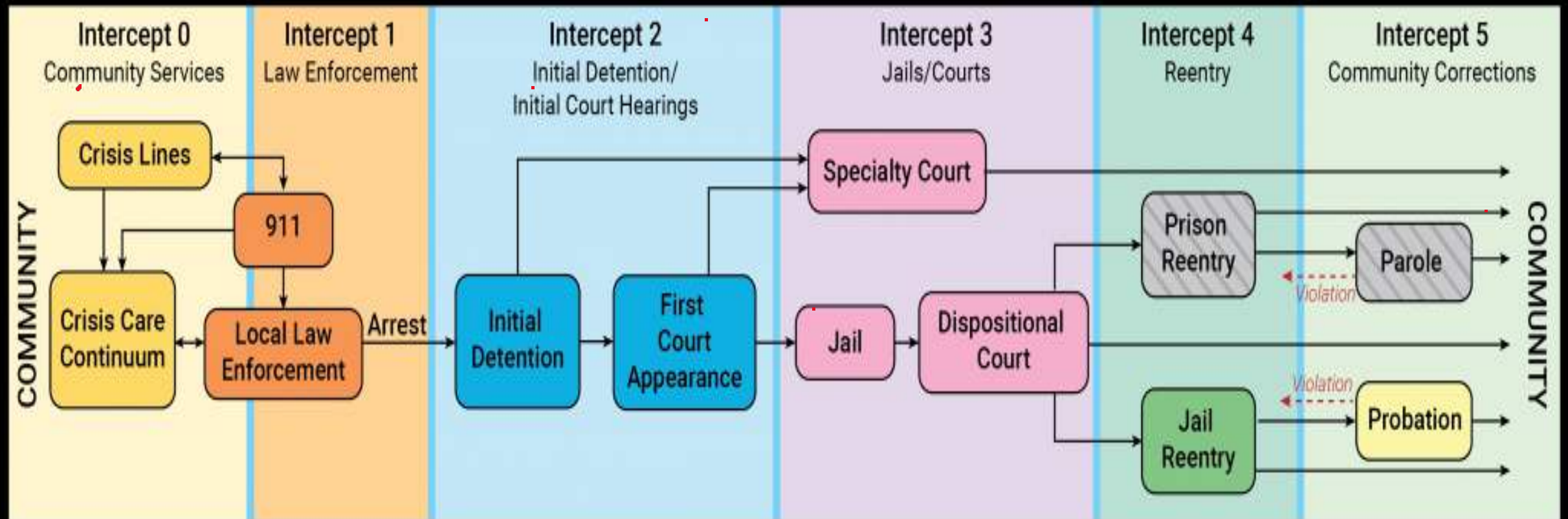
# MITIGATION OF SENTENCES: A.R.S. § 13-701

- Sentencing By Chart - Mitigation Can Move Within a Box & Determine Concurrent or Consecutive Sentences.
- Sentencing judge *must* consider:
  - Age
  - Capacity to *appreciate wrongfulness* of the conduct or to *conform* conduct to the requirements of law was *significantly impaired*
  - Under unusual or substantial duress
  - Minor participation in the crime.
  - Compliance with duties imposed in A.R.S. 28-661, 28-662 and 28-663.
  - “Any other factor that is relevant to the defendant’s character or background or to the nature or circumstances of the crime and that the court finds to be mitigating.”

# AGGRAVATION OF SENTENCES: A.R.S. § 13-701

- **Oversimplified Explanation Of 27 Complicated Factors**
  - DEFENDANT'S CHARACTERISTICS: Felon; Fiduciary; Hired; etc.
  - DEFENDANT'S TOOLS: Mask; Body Armor; Weapons; Surprise; etc.
  - VICTIM CHARACTERISTICS: Elderly, Police Officer, Family of Decedent, etc
  - NATURE OF CRIME - Trafficking; Intentional Pain/Suffering; Hate Crimes, etc.
- **“Other circumstances that the court deems pertinent based on the defendant’s character, history, or other relevant facts”**

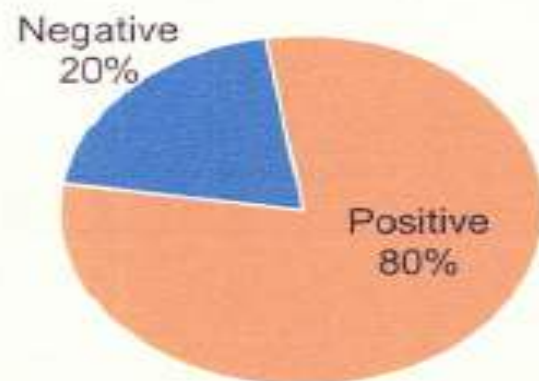
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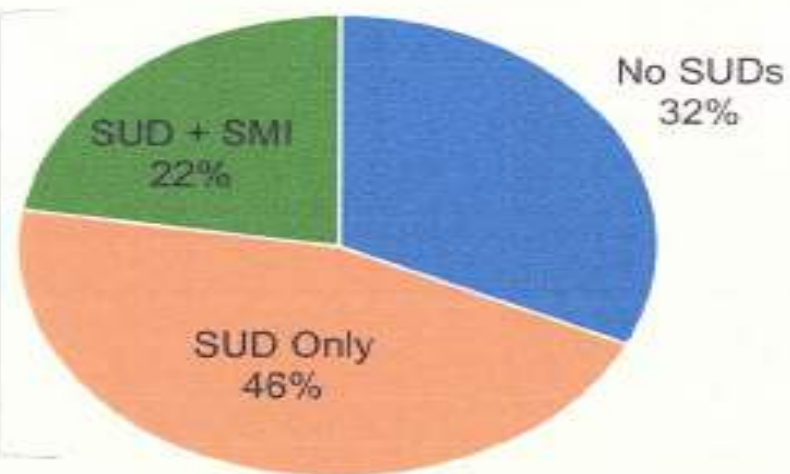
# Jails and People with Substance Use Disorders

Drug Testing of Arrestees



68% of jail inmates have a SUD.

Jail Population with SUDs

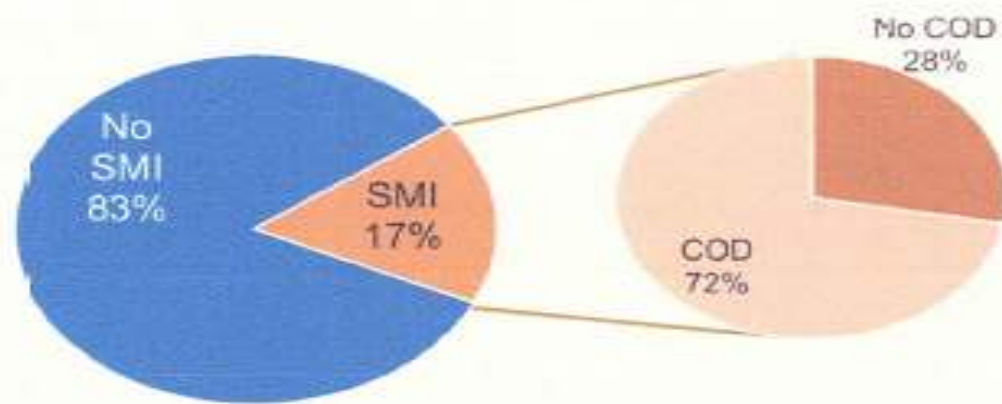


# People with Mental Health Conditions in Jails

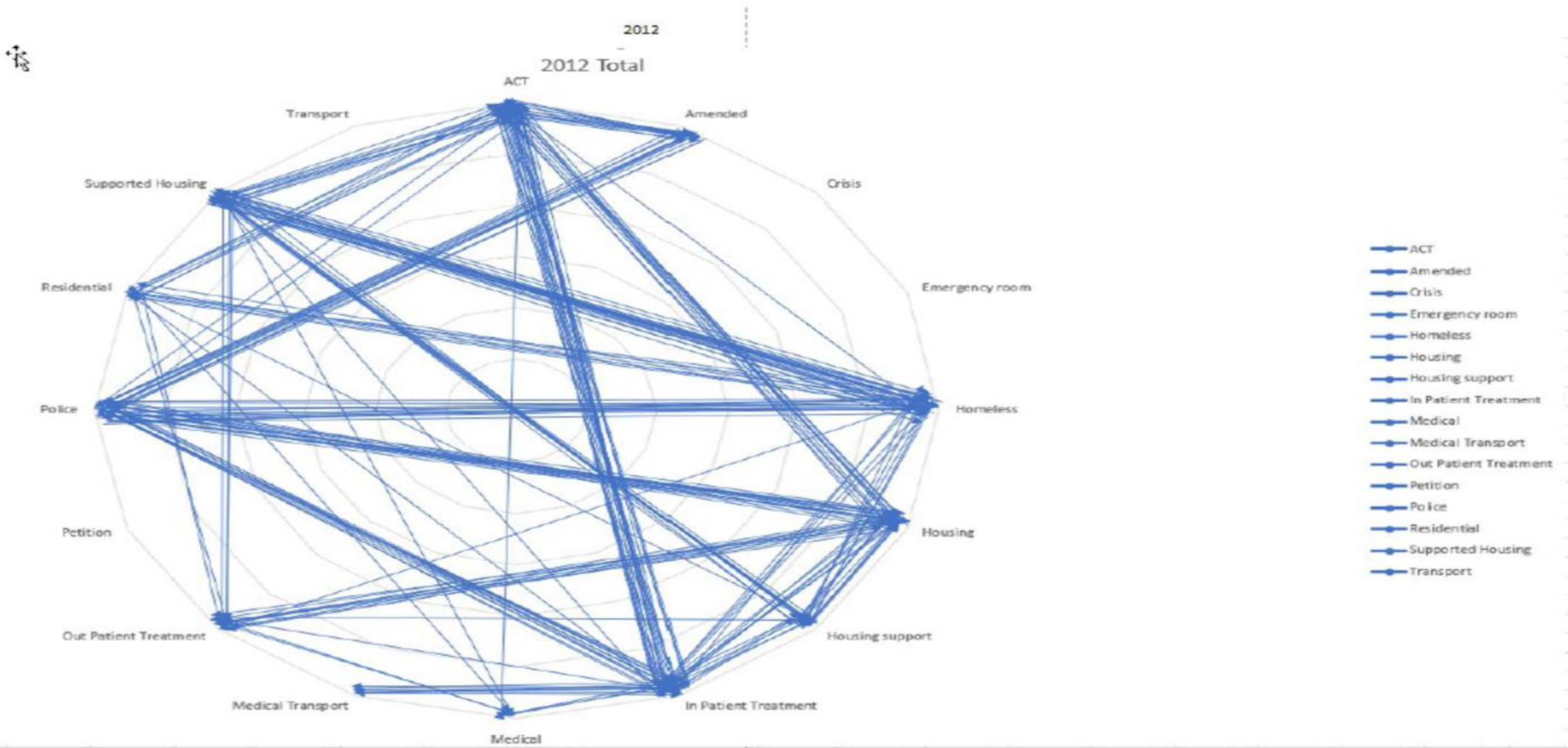
General Population



Jail SMI Prevalence



# THE GOLDSTEIN TANGLE



# IS JAIL THE END ... OR THE BEGINNING?

*What we call the beginning is often the end. And to make an end is to make a beginning. The end is where we start from.*

T.S. Eliot