A CONFERENCE OF THE MENTAL HEALTH LEGAL ADVISORS COMMITTEE

MHLAC

TAKING THE CRIMINAL OUT OF CRIMINAL JUSTICE

Has the Criminal Justice Reform Act of 2018 kept its promises to Massachusetts residents with mental health needs who are at risk of incarceration or incarcerated?

Where should advocates look next to reform the juvenile/criminal justice systems?

A look at people with mental health needs in Mass. after the Criminal Justice Reform Act

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CONFERENCE AGENDA

8:30 - 9:00  REGISTRATION & CONTINENTAL BREAKFAST

9:00 - 9:05  WELCOME

9:05 - 9:35  REFORMING THE JUVENILE AND ADULT JUSTICE SYSTEMS - AN INTRODUCTION TO THE TOPIC NATIONALLY AND IN MASSACHUSETTS
Our morning speaker will address current reform efforts for people with mental health issues involved in the juvenile justice and criminal justice systems on the national level and how Massachusetts can learn from those efforts.

Christine Cole, Executive Director, Crime and Justice Institute, Community Resources for Justice.

9:35 - 10:45  EARLY INTERVENTIONS FOR CHILDREN AT RISK OF JUVENILE JUSTICE SYSTEM INVOLVEMENT
What reforms can we make now to avoid the DCF to DYS to prison continuum? The panel will focus on meeting the mental health needs of youth, including those in foster care, who have experienced trauma.

Panelists:

Coco Holbrook, Esq., Mental Health Legal Advisors Committee, Facilitator

Lisa Newman-Polk, Esq., LCSW -- Speaking about advocating for parole for men convicted of murder by contextualizing their childhood difficulties and trauma.

Kate Lowenstein, Esq, MSW, Multisystem Youth Program Director, Citizens for Juvenile Justice -- Speaking about intervening in the pipeline to halt the disproportionate representation of youth in DCF and DYS custody in the carceral system.

Joseph Leavey, President and Founder, Communities for People -- speaking about CFP supports for foster children such as their teen community living programs, issues affecting foster children across MA—or acute points of need.

Sandra McCroom, President & CEO, Children’s Services of Roxbury -- speaking about the multiple ways in which CSR services strive to disrupt and end the cradle to prison pipeline, such as the Youth Permanency Connections program in partnership with DCF and the youth development program and barriers to these efforts.

10:45 - 11:00  MORNING BREAK

11:00 - 12:10  SCHOOL-BASED REFORMS IN THE CJRA AND FUTURE ADVOCACY FOR ADOLESCENTS
The CJRA contains several provisions intended to reduce or eliminate schools’ reliance on police when addressing school discipline matters. This panel will review the implementation of these reforms and discuss efforts to further redress Massachusetts’ school-to-prison pipeline.

Panelists:

Matthew Cregor, Esq., Mental Health Legal Advisors Committee, Facilitator

Lisa Thurau, Esq., Founder & Executive Director, Strategies for Youth -- Providing a local and national perspective.

Angela Brooks, Esq., Assistant Attorney General, Office of the Attorney General of Massachusetts - Speaking about tracking implementation.

Bishop Talbert W. Swan, II, M.Div., President, Springfield NAACP -- Providing a local perspective.

12:10 - 1:00 LUNCH BREAK

1:00 - 2:00 APPLYING THE ADA'S INTEGRATION MANDATE TO CRIMINAL JUSTICE REFORM EFFORTS IN MASSACHUSETTS

Our midday speakers with discuss the application of the ADA’s integration mandate to criminal justice reform, in theory and in Massachusetts specifically.

Robert Fleischner, Esq. will speak about the application of the Olmstead decision, interpreting the ADA’s Integration Mandate, to the services offered (or not offered) to those involved in the juvenile and adult justice systems.

Danna Mauch, Ph.D., President & CEO, Mass. Association for Mental Health will speak about the extent to which Massachusetts is meeting its obligations under Olmstead in practice and where advocates should focus their attention to ensure further compliance.

2:00 - 3:10 EXPANDING ADULT DIVERSION FROM THE CRIMINAL JUSTICE SYSTEM

These panelists will discuss efforts across the state to expand diversion of people from the criminal justice system, at all the intercept points. Panelists will address the role of first responders confronting people with mental illness, the idea of creating a physical location to divert people with mental illness, and the work of Mass. Probation Services.

Panelists:

Jennifer Honig, Esq., Mental Health Legal Advisors Committee, Facilitator

Marisa Hebble, MPH, Manager, Mass. Community Justice Project (CJP), Mass. Trial Court -- Discussing the CJP which facilitates collaborations at the community level to better connect the criminal justice system and behavioral health treatment, healthcare, recovery and community support systems in order to reduce risk of justice-involvement and improve outcomes among persons with mental health and/or substance use disorders.
Sarah E. Abbott Ph.D. LSW, Jail Diversion Program Director at Advocates -- Speaking about creating the first Co-Responder Training and Technical Assistance Center and about co-responder teams of police and clinicians across the state.

Danna Mauch, Ph.D., President & CEO, Mass. Association for Mental Health -- Addressing the Middlesex County Restoration Center Commission, which examined creating a physical place that people could be diverted to and served pre-arrainment.

Pamerson Ifill, Deputy Commissioner of Pretrial Services Division, Massachusetts Probation Services -- Describing the work of Mass. Probation Services in diverting pretrial detainees.

3:10-3:25  AFTERNOON BREAK

3:25- 4:40  DIVERTING ADULTS WITH MENTAL ILLNESS IN THE CORRECTIONAL SYSTEM FROM RESTRICTIVE HOUSING AND PROMOTING THEIR REENTRY INTO SOCIETY

These panelists will address the services that should be afforded incarcerated persons with mental illness in solitary confinement, when seeking parole, and during re-entry.

Panelists:

Phillip Kassel, Esq., Mental Health Legal Advisors Committee, Facilitator

Kristen Dame, MA, LMHC, Northeast Regional Supervisor for Social Service Advocates, Committee for Public Counsel Services -- Discussing, based on her observations as a clinician in the Departmental Disciplinary Unit in Walpole MA, the impact of prolonged solitary confinement, as well as what faces such people upon release.

Jennifer Honig, Esq., Mental Health Legal Advisors Committee -- Discussing recent litigation challenging the treatment afforded prisoners in the Bristol County House of Correction.

Bonita Tenneriello, Attorney, Prisoner’s Legal Services -- Discussing the Criminal Justice Reform Act’s origin, requirements, and, based on her experience on the newly created Solitary Confinement Oversight Committee, implementation issues.

Donald Perry, Local organizer, advocate and consultant for criminal justice reform -- Discussing the vulnerabilities of parolees with mental health issues to revocation and bad outcomes, as well as efforts to improve parole practices.

Opal Stone, MBA, Director of Reentry Services, Advocates -- Discussing problems specific to ex-prisoners and parolees with mental illness and successful efforts to assist prisoner reentry through the provision of intensive case management services.

Christine Cole, Executive Director, Crime and Justice Institute, Community Resources for Justice -- Setting Massachusetts work on these issues in a national context, comparing it to what other states have done and suggesting tactics that have worked elsewhere and could be incorporated here.

4:45  CLOSING REMARKS
Sarah Abbott
Sarah Abbott, Ph.D. LSW, serves in the role of Jail Diversion Program Director at Advocates. In 2003, Dr. Abbott helped the Framingham Police Department launch the first pre-arrest co-response Jail Diversion Program and worked as the embedded Framingham police clinician for several years. Dr. Abbott has since replicated the model in over 15 police agencies in Massachusetts and beyond. In 2018, Dr. Abbott secured Department of Mental Health funding to launch the country’s first Co-Response Training and Technical Assistance Center. In addition to her work at Advocates, Dr. Abbott serves as an Associate Professor in the Justice Studies Department at Lasell University where her research focuses on measuring the impact of the jail diversion model on police officer attitudes towards individuals with a behavioral health disorder.

Angela Brooks
Angela Brooks is Director of the Child and Youth Protection Unit (CYPU) in the Massachusetts Attorney General’s Office. In that role, she focuses on legal and policy issues related to child welfare, education, and juvenile justice, among others. Prior to the Attorney General’s Office, Ms. Brooks was Deputy Director at the Massachusetts Budget and Policy Center, which conducts research and data analysis on policies impacting the lives of low- and middle-income Massachusetts residents. Before MassBudget, Ms. Brooks served first as Legal Counsel and then as Chief of Staff for Senator Sonia Chang-Díaz in the Massachusetts State House. After attending the Boston Public Schools, Ms. Brooks graduated from Bowdoin College and Harvard Law School.

Christine Cole
Christine Cole has worked over 30 years in the safety and justice sector -- in policing, institutional and community-based corrections, victim advocacy, community organizing and prosecution in the US, Africa, Europe, Asia, the Pacific, and the Caribbean. She has extensive experience as a collaborator and facilitator with practitioners, community members, and academics working as a change agent across a variety of topics and levels of government. Ms. Cole has contributed research and writing on reports and publications about police organization, leadership, oversight and the organization of first responders to mass casualty and active shooter events. Her current focus is on safety and justice reform that embraces data to understand the situation, design the right solution, and communicate the results of the work. Ms. Cole holds a MPA from Harvard University, John F. Kennedy School of Government, MA in Community Psychology from the University of Massachusetts, Lowell, and BA from Boston College. Ms. Cole is a Fellow at the Program on Crisis Leadership at John F. Kennedy School of Government’s Ash Center.
Matthew Cregor
Matt Cregor, a staff attorney the Mental Health Legal Advisors Committee (MHLAC), focuses on the school-based exclusion, policing, and disciplining of students with mental health needs. Prior to joining MHLAC in 2018, Matt served as a staff attorney with the Southern Poverty Law Center, the coordinator of the NAACP Legal Defense Fund’s Dismantling the School-to-Prison Pipeline Initiative, and as the Education Project Director for the Lawyers’ Committee for Civil Rights in Boston. He is currently litigating a pair cases challenging schools’ failure to implement Massachusetts’ school discipline laws. He has authored or co-authored a number of reports on school discipline, including, most recently, Unfinished Business: Assessing Our Progress on School Discipline under Massachusetts Chapter 222 (2018) with Joanna Taylor, and has served on a number of school discipline-related boards, including the Core Group of the Dignity in Schools Campaign. He is a 2006 graduate of Georgetown Law and the 2018 recipient of the Boston Bar Association’s James G. Brooks Legal Services Award.

Kristen Dame
Krisitin Dame, MA, LMHC is the CPCS Director of Private Social Work Services. Her role is to assist Private Counsel Division Bar Advocates by connecting them to private Social Services Expert Vendors. Prior to beginning her current position, Ms. Dame was with the Department of Developmental Services (DDS) as part of ABI-MFP team where her responsibilities included assessing and mitigating risk for individuals who had an acquired brain injury and progressive, degenerative diseases that affected mobility and cognition. Before her work at DDS she was the first CPCS Public Defender Division Regional Supervisor for Social Service Advocates. She was inspired to join CPCS after having been a clinician at MCI-Cedar Junction and the Clinical Coordinator of the Secure Treatment Program at Souza-Baranowski Correctional Center where she witnessed first-hand the devastating effects of solitary confinement. Ms. Dame is a graduate of Emanuel College receiving her B.S. degree in Developmental Psychology and Political Science. She subsequently graduated from Boston College with her M.A. in Psychology: Mental Health Counseling, and has been licensed as a Mental Health Clinician in MA since 2001.

Robert Fleischner
Bob Fleischner worked for more than 40 years at the Center for Public Representation, a public interest law firm with offices in Northampton, Newton, and Washington, DC. Since his retirement he has been a Senior Advisor to the Massachusetts Association for Mental Health and represents MAMH on the Restrictive Housing Oversight Committee, which was established by the Criminal Justice Reform Act. For Open Society Foundations, he is the coordinator of an international group of disability advocates working to conform criminal justice systems to the requirements of the UN Convention on the Rights of Persons with Disabilities. Mr. Fleischner graduated from BC Law School in 1973. He has litigated cases and argued appeals involving guardianship, prison and juvenile justice reform, civil commitment, the right to treatment, and
the right to community services in state and federal courts here and around the country. He has published a book on guardianship law and numerous articles and book chapters about disability law.

**Marisa Hebble**
Marisa Hebble is the Manager of the Massachusetts Community Justice Project, an initiative of the Massachusetts Trial Court. The Massachusetts Community Justice Project is a statewide effort helping communities address the behavioral health needs of people in (or at-risk of) contact with the criminal justice system. The Project utilizes Sequential Intercept Mapping and collaborative action planning to promote recovery for people with behavioral health needs, enhance public safety, and support quality of life for all. Ms. Hebble is the former Director and current Executive Council member of the Opioid Task Force of Franklin County. She is also a member of the Board of Directors for Behavioral Health Network and serves on multiple state and regional workgroups and committees. Ms. Hebble holds a Master’s degree in Public Health with a concentration in Community Health from the University of Massachusetts Amherst and an undergraduate degree in Political Science from Rutgers University.

**Coco Holbrook**
Coco is a staff attorney at MHLAC, prior to that position she was a Boston University Law N. Neal Pike Disability Fellow. As staff attorney she works on issues affecting those living with mental health conditions in MA and advocates against the discrimination of employees and incarcerated persons because of their mental health. Prior to working at MHLAC, she has worked on issues of reproductive justice, consumer debt issues, and institutional injustice issues. She is a board member of Nightingale Ensemble in Chicago.

**Jennifer Honig**
Jennifer Honig, Senior Attorney at Mental Health Legal Advisors Committee, focuses on institutional advocacy and community rights of persons with mental health issues. She graduated from Georgetown University Law Center in 1991 and subsequently represented clients of methadone treatment clinics. She has been at MHLAC since 1992. Most recently, she has been pursuing litigation on behalf of individuals confined to jails and prisons in Massachusetts.

**Pamerson Ifill**
Pamerson Ifill is the Deputy Commissioner of Pre-Trial Services, a statewide division of the Massachusetts Probation Service. Prior to being appointed Deputy Commissioner, Mr. Ifill was the Regional Supervisor for Region One which included Barnstable, the Cape and the Islands, Bristol, and Plymouth counties, and has over 25 years of experience working to serve Massachusetts. My. Ifill crafted the the Massachusetts Trial Court’s Cultural Proficiency model,
including the introduction of Cultural Proficiency Champions, or volunteers, who attend trainings to learn how to help individuals in underserved communities navigate the court system, and has tirelessly worked to bring events that center on culture, race, and gender diversity, inclusion, and equity in the courts and communities the courts serve. Ifill earned a Bachelor of Arts degree from Stonehill College where he majored in Political Science. He holds a Master’s Degree in Management of Human Services from Brandeis University’s Florence Heller Graduate School.

**Phillip Kassel**
Phillip Kassel is a longtime poverty law advocate. Before coming to MHLAC in January 2012, Phil worked for more than 30 years on behalf of the most vulnerable segments of the poor-person populations of the states of Massachusetts, Minnesota, and Washington, serving in a host of capacities and specialties. He has litigated, lobbied, and negotiated key reforms for a wide variety of clients, including persons with mental health concerns; for example, Haverty v. Commissioner of Corrections, 437 Mass. 737 (2002), which established a right to due process under the Massachusetts constitution prior to the imposition on prisoners of indefinite solitary confinement.

**Joseph Leavey**
Joseph M. Leavey founded Communities for People (CFP) in 1976. He has held several distinguished positions in the field of child and youth welfare services in Massachusetts, including Director of the Placement Division of Child Guardianship, Commissioner of the Department of Youth Services, President of the Massachusetts Council of Human Service Providers, Chairman of the Children’s League, Chairman of the Special Commission on Foster Care, and President of the State Advisory Board for the Department of Children and Families (DCF). Today Communities for People is offering a continuum of care through foster care services, residential and independent living programs, and home-based services in both Massachusetts and Rhode Island.

**Kate Lowenstein**
Kate Lowenstein has a J.D/M.S.W from the Catholic University of America. She joined Citizens for Juvenile Justice in December 2014 and is currently the Multisystem Youth Project Director. For the 13 years prior to coming to CfJ, she was co-director of Murder Victims' Families for Human Rights where she had extensive experience organizing and advocating for victims and murder victims' family members. Prior to that she worked in the abuse and neglect system in D.C.. She co-authored an *amicus curiae* brief on behalf of victims' family members to the Supreme Court in the high-profile case *Roper v. Simmons*. 
Danna Mauch
Danna Mauch, Ph.D. is President and CEO of the Massachusetts Association for Mental Health (MAMH). Dr. Mauch’s prior service in the private sector includes ten years as Senior Fellow/Principal Associate at Abt Associates, Inc. Prior to joining Abt, Dr. Mauch was Chief Administrative Officer for Comprehensive NeuroScience, Inc., Founding President and Chief Executive Officer for Magellan Public Solutions, Inc., and Founder and President of Integrated Health Strategies, Inc. Her work addresses the needs of a broad range of at-risk and vulnerable groups of children, adults and elders, including persons with autism spectrum disorders, behavioral health conditions, HIV/AIDS, multiple chronic conditions, criminal justice involvement, military and veteran status, and homelessness. Dr. Mauch is a published author of government and foundation reports, book chapters and journal articles on the organization, financing and delivery of care to vulnerable populations. Dr. Mauch holds a Ph.D. in Social Policy from the Heller School at Brandeis University.

Sandra McCroom
Sandra McCroom is the president and chief executive officer of Children’s Services of Roxbury (CSR). She is a proud alumna of Spelman College in Atlanta, where she graduated with a B.A. in Psychology. Her career includes work in both the nonprofit sector and in state service, and she also was a U.S. Peace Corps Volunteer in Thailand for three years. Ms. McCroom has worked for the Department of Corrections, for the Sex Offender Registry Board, for the Parole Board, as the Executive Director of Roxbury Youthworks Inc., as the Senior Development Coordinator for the Safe Neighborhood Initiative, and as the Undersecretary for Criminal Justice in the Executive Office of Public Safety and Security.

Lisa Newman-Polk
Lisa Newman-Polk, Esq., LCSW, is a lawyer and social worker in private practice. She currently represents over a dozen men seeking parole who were convicted of murder as teenagers. Ms. Newman-Polk formerly worked as a public defender with the Committee for Public Counsel Services in the district, superior, and drug courts. She also has a masters degree in social work and worked as an outpatient therapist providing treatment to men and women on probation and parole, and as a mental health clinician at Souza-Baranowski Correctional Center.

Donald Perry
Donald “Don” Perry holds a B.A. Degree from UMASS Amherst. In September 2018, Mr. Perry graduated from JustLeadershipUSA at John Jay College of Criminal Justice in New York. Donald uses his “lived experiences” as a former addict and justice-involved individual to advocate to greater meet the needs of people with similar experiences. Donald has worked in human services for 15 years to feed the hungry, house the homeless, provide services for people with
substance disuse disorders and helped formerly incarcerated people reintegrate back into the community. Mr. Perry is the founder of Project Operation Change, a statewide campaign in Massachusetts advocating for parole reform. Donald is currently a consultant for the Behavioral Health Justice Initiative Navigator Trainings at UMASS Medical in Shrewsbury, MA.

**Opal Stone**

Opal Stone, MBA, is the Director of Reentry Services at Advocates, a behavioral health service provider that supports more than 20,000 individuals annually in Central and Eastern Massachusetts. She oversees Advocates Reentry Services programs, including having led the **Worcester Initiative for Supported Reentry** a project that achieved a 47% reduction of recidivism among medium to high risk citizens returning to the community from prison and jail. She has also directed three federally-funded reentry and specialty court projects, work which incorporated Risk Needs Responsivity principles and partnered closely with the courts, Probation, Parole, Sheriff’s Offices, and the Department of Correction. She has presented at local and national behavioral health and drug court conferences about building criminal justice and behavioral health collaborations to achieve effective, integrated programming. She has been actively involved in Massachusetts criminal justice policy reform and program design and has consulted on strategic and operational analysis projects in jails.

**Bishop Talbert Swan**

Bishop Talbert W. Swan, II is the pastor of the Spring of Hope Church of God in Christ in Springfield, MA. He serves the International Church Of God In Christ as Assistant General Secretary, Senior Advisor to the Presiding Bishop, and Clerk to the General Board. He is the Jurisdictional Prelate of the Nova Scotia Ecclesiastical Jurisdiction. Bishop Swan is the President of the Greater Springfield NAACP, President and CEO of COGIC Family Services, and host of the Spoken Word Radio Broadcast. He holds a Bachelor of Science in Computer Science from Western New England University, a Bachelor of Science in Religious Studies from Charter Oak State College, a Master of Arts in Theology from Hartford Seminary, and a Master of Divinity in Urban Ministry from Gordon Conwell Theological Seminary. Bishop Swan also holds graduate certificates from Hartford Seminary in Black Ministries and Harvard Divinity School in Faith Based Economic and Community Development. He has completed all academic requirements toward a Doctor of Ministry from Piedmont International University.

**Bonita Tenieriello**

Bonita Tenneriello has been an attorney with Prisoners’ Legal Services of Massachusetts since 2004, where much of her work has focused on litigation and advocacy on solitary confinement. She is currently a member of the Restrictive Housing Oversight Committee, established by the MA legislature. She is a graduate of the University of Michigan law school and previously worked a clerk for a federal judge, a Skadden Fellow serving migrant farmworkers in Michigan,
and an attorney with the National Voting Rights Institute.

**Lisa Thurau**
Lisa Thurau is the founder and Executive Director of Strategies for Youth (SFY), a national nonprofit organization dedicated to improving police/youth interactions and reducing disproportionate minority contact. SFY offers interdisciplinary approaches to adoption of developmental competence practices and policies by law enforcement agencies, offers outreach programming for youth, and conducts original research on structural factors that affect police/youth interactions. SFY provides its services in 20 states around the country, including Massachusetts where its work began.
BIBLIOGRAPHY

Taking the “Criminal” Out of “Criminal Justice”: A Look at People With Mental Health Needs in Massachusetts After the Criminal Justice Reform Act

November 14, 2019

PANEL 1 – EARLY INTERVENTIONS FOR CHILDREN AT RISK OF JUVENILE JUSTICE SYSTEM INVOLVEMENT

- Citizens for Juvenile Justice, Missed Opportunities: Preventing youth in the child welfare system from entering the juvenile justice system (2015), https://static1.squarespace.com/static/58ea378e414fb5fae5ba06c7/t/59020af046c3c44b405cb544/1493306111142/MissedOpportunities2015.pdf

- Kate Lowenstein, Citizens for Juvenile Justice, Shutting Down the Trauma to Prison Pipeline Early, Appropriate Care for Child-Welfare Involved Youth (2018), https://www.cfjj.org/trauma-to-prison


• Wallace W., A Juvenile v. Commonwealth, SJC-12669 (Aug. 9, 2019) [clarifying what constitutes a “first offense” under the CJRA provision that juvenile court judges dismiss first time offenses of certain lower level misdemeanors; prosecutors will now be required to prove to a judge beyond a reasonable doubt that a juvenile has committed a prior offense (that was dismissed) before the prosecutor can prosecute on a subsequent charge], [https://cases.justia.com/massachusetts/supreme-court/2019-sjc-12669.pdf?ts=1565611311](https://cases.justia.com/massachusetts/supreme-court/2019-sjc-12669.pdf?ts=1565611311)

PANEL 2 – SCHOOL-BASED REFORMS IN THE CJRA AND FUTURE ADVOCACY FOR ADOLESCENTS


• Amir Whitaker et al., American Civil Liberties Union, Cops and No Counselors: How the Lack of School Mental Health Staff is Harming Students (2019), https://www.aclu.org/report/cops-and-no-counselors


LUNCHEON PRESENTATION – APPLYING THE ADA’S INTEGRATION MANDATE TO CRIMINAL JUSTICE REFORM EFFORTS IN MASSACHUSETTS


Panel 3 – EXPANDING ADULT DIVERSION FROM THE CRIMINAL JUSTICE SYSTEM

CO-RESPONDING TEAMS


• Amanda Geller, PhD, Jeffrey Fagan, PhD, Tom Tyler, PhD, and Bruce G. Link, PhD, Aggressive Policing and the Mental Health of Young Urban Men, Am J Public Health. 2014 December; 104(12): 2321–2327. Published online 2014 December. doi: 10.2105/AJPH.2014.30204, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4232139/
• Melissa S. Morabito, Jenna Savage, Lauren Sneider, & Kellie Wallace, Police Response to People with Mental Illnesses in a Major U.S. City: The Boston Experience with the Co-Responder Model, Pages 1093-1105, Published online: 20 Nov 2018, https://doi.org/10.1080/15564886.2018.151434

DIVERSION

• Adult and Juvenile Diversion (Plymouth County), https://plymouthda.com/resources/the-diversion-unit/

• Citizens for Juvenile Justice, Seizing An Early Opportunity: Reports from a Survey of Police Departments on Youth Diversion Practice in Massachusetts (2018), https://www.cfjj.org/seizing-opportunity


• Juvenile diversion (Middlesex County), https://www.middlesexda.com/beyond-courtroom/pages/juvenile-diversion-program

• Juvenile and Youthful Diversion and Drug Diversion (Essex County), https://www.mass.gov/essex-diversion-programs


PANEL 4 – DIVERTING ADULTS WITH MENTAL ILLNESS IN THE CORRECTIONAL SYSTEM FROM RESTRICTIVE HOUSING AND PROMOTING THEIR REENTRY INTO SOCIETY

MENTAL HEALTH IN JAILS AND PRISONS

- Youngmin Yi, MA,1 Kristin Turney, PhD,2 and Christopher Wildeman, PhD1, , Mental Health Among Jail and Prison Inmates (2016), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5675352/

RE-ENTRY/PAROLE

- Begun AL, Early TJ, Hodge A. Adm Policy Ment Health, Mental Health and Substance Abuse Service Engagement by Men and Women During Community Reentry Following Incarceration (2015)
Danna Mauch et al., Model Jail Diversion and Reentry Services Programs Updated Literature and Resource Review (2018),


RECIDIVISM


School-Based Reforms in the CJRA and Future Advocacy for Adolescents: Special Focus on Police/Student Interactions

MHLAC Conference
November 2019

Strategies for Youth
A national, nonprofit policy and training organization dedicated to equipping officers with best practices for working with youth and reducing disproportionate minority contact.

• Training Law Enforcement
  Policing the Teen Brain
  Policing the Teen Brain in School
• Outreach to Youth:
  Juvenile Justice Jeopardy
• Policy & Research
  – If Not Now, When?
  – Where’s the State?
  – Parents’ Checklist for SROs
  – $2 Billion Later
Changing LE Interactions with Youth

Use brain science to demonstrate that youth conduct is:
- NOT Always intentional >> mostly reactive
- Youth are NOT “cooked” by 15
- Peer pressure is magnified
- Youth respond better to honey than vinegar
- Many youth lack skills

Current SRO Training Requirement

Chapter 71 Section 37(P)
“...(vii) training for SROs, including but not limited to continuing professional development in child and adolescent development, conflict resolution and diversion strategies…”

How well are law enforcement officers and agencies trained and equipped to work with youth in Massachusetts?
Findings of *If Not Now, When?* Study (2013):

- Average time: 6 hrs
- 1% of academy time on JJ
- Topics: Juvenile Code/Law/Rules
- Mental Health: 9 (?)
- DMC: 8 (?)

Officers Are Not Trained In:

- Adolescent Development
- Developmental Competence
- Implicit Bias
- Mental Health
- Alternatives to Arrest
- Community Resources

Findings of *Where’s the State?* Study (2017)

State Level:
- No standards
- No statutes
- No regulations
State Guidance About Policies Governing Police/Youth Interactions

Findings of $2 Billion Later Study (2019)

- 22 States require SROs to be trained
- 2 states encourage it
- 26 have no laws
- 20 states enacted laws in last 5 years

Findings from $2 Billion Later

- 3 states meet SFY’s D.A.T.I.R.E. standard
  - Kansas, Nebraska, Virginia
- 9 include adolescent development
- 7 include mental health
- 5 include trauma
**Arrest is Greatest Source of Disparity**

Using white youth as the reference, RRI indicate that the largest point of disparity for black males and females is at arrest or the “referral” stage.


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**Where are Officers Deployed?**

Inclusionary discipline measures:
– Affluent white youth

Exclusionary discipline measures:
– Youth of color and poor youth


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**Biggest Disparities in Schools**
Implicit Bias in real-life

- Boys of color as young as 10 are more likely to be mistaken as older, perceived as guilty and experience use of force.

- Boys of color are more often viewed as “responsible for their actions at an age when white boys still benefit from the assumption that children are essentially innocent.”

Phillip Atiba Goff: The Essence of Innocence: Consequences of Dehumanizing Black Children
Journal of Personality and Social Psychology

Implications of Lack of Training

- Youth assumed to be like adults
- No D.A.T.I. informed approach necessary
- Officers bring all personal perceptions to interactions with youth
- Assume intentionality
- Racism plays special role

– Essence of Innocence & Aging Up YOC

www.strategiesforyouth.org
Call us:
617-714-3789
Write:
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Info@strategiesforyouth.org
Sequential Intercept Model
Model Memorandum of Understanding (MOU) for School Resource Officers (SROs)

Mental Health Legal Advisors Committee Conference
November 14, 2019

SRO Programs

• State law requires at least one SRO per school district, subject to appropriation.
• SRO programs take different forms.
• SROs play multiple roles.
  – Law enforcement
  – Teacher/guest speaker
  – Mentor/informal counselor

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Concerns about SRO Programs

Changes in State Law

An Act Relative to Criminal Justice Reform (Chapter 69 of the Acts of 2018)

The memorandum of understanding shall state that SROs shall not serve as school disciplinarians, as enforcers of school regulations or in place of licensed school psychologists, psychologists, or counselors, and that SROs shall not use police powers to address traditional school discipline issues, including non-violent disruptive behavior.

Model SRO MOU

www.mass.gov/ago/SRO
Model SRO MOU

• Mission Statement, Goals, and Objectives
• Structure and Governance
  – Selecting an SRO
  – Supervision of the SRO and Chain of Command
  – Integrating the SRO
  – Complaint Resolution
  – Annual Review
• Roles and Responsibilities of the SRO and the School in Student Misbehavior
  • Information Sharing
  • Data Collection and Reporting
  • SRO Training
  • Accompanying Standard Operating Procedures (SOPs)

SRO MOU Mission Statement

II. Mission Statement, Goals, and Objectives

The mission of the Program is to support and foster the safe and healthy development of all students in the District [or at the School] through strategic and appropriate use of law enforcement resources and with the mutual understanding that school participation and completion is indispensable to achieving positive outcomes for youth and public safety.

Structure and Governance

III. Structure and Governance

The Parties acknowledge the importance of clear structure and governance for the Program. The Parties agree that communicating these structures to the school community, including teachers and other school staff, students, and families, is essential for the success of the Program.

A. Process for Selecting SRO

The Parties acknowledge that the selection of the SRO is a critical aspect of the Program and that it is essential for the Parties and the school community to have a positive perception of and understanding of the role.

In accordance with state law, the Chief shall select an officer whom the Chief believes will foster a positive learning environment and educational community and shall give preference to officers who demonstrate the capability and character to work in a school environment with students and teachers and who exhibit a commitment to working on prevention and intervention, conflict resolution techniques, and alternatives to arrest and diversion strategies. The Chief shall work collaboratively with the Superintendent in selecting officers who meet these criteria and in selecting the officer who is ultimately engaged as the SRO. [Note: regional school districts should refer this paragraph to specify how chiefs of police or

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Roles and Responsibilities in Student Misbehavior

IV. Roles and Responsibilities of the SRO and School Administrators and Staff in Student Misbehavior

The Parties agree that school officials and the SRO play important and distinct roles in responding to student misbehavior to ensure school safety and promote a positive and supportive learning environment for all students.

Under state law, the SRO shall not serve as a school disciplinarian, as an enforcer of school regulations, or in place of school-based mental health providers, and the SRO shall not use police powers to address traditional school discipline issues, including non-violent disruptive behavior.

Roles and Responsibilities in Student Misbehavior

The principal or his or her designee shall be responsible for student code of conduct violations and routine disciplinary violations. The SRO shall be responsible for investigating and responding to criminal misconduct. The Parties acknowledge that many acts of student misbehavior that may contain all the necessary elements of a criminal offense are best handled through the school’s disciplinary process. The SRO shall read and understand the student code of conduct for both the District and the school.

The principal (or his or her designee) and the SRO shall use their sound professional judgment and discretion to determine whether SRO involvement is appropriate for addressing student misbehavior. In such instances, the guiding principle is whether misbehavior rises to the level of criminal conduct that poses (1) real and substantial harm or threat of harm to the physical or psychological well-being of other students, school personnel, or members of the community or (2) real and substantial harm or threat of harm to the property of the school.

Information Sharing

V. Information Sharing Between SROs, School Administrators and Staff, and Other Stakeholders

The Parties acknowledge the benefit of appropriate information sharing for improving the health and safety of students but also the importance of limits on the sharing of certain types of student information by school personnel. The Parties also acknowledge that there is a distinction between student information shared for law enforcement purposes and student information shared to support students and connect them with necessary mental health, community-based, and related services.
Data Collection, Training, and Standard Operating Procedures

- Data on school-based arrests, citations, and court referrals to be reported to DESE, disaggregated by race, gender, disability status, and more.
- Training on child and adolescent development, conflict resolution, and diversion strategies.
- SOPs to cover uniform, use of force, students’ legal rights, chain of command, performance evaluation standards, diversion and referrals to services, and information-sharing.

Model SRO MOU

www.mass.gov/ago/SRO

CJ Bill Model MOU Mandate

“The executive office of public safety and security, in consultation with the department of elementary and secondary education, shall make available to all communities examples of model memoranda of understanding...”
Key Stakeholders

• Northwestern District Attorney
• Mass. Major Cities Chiefs of Police Association
• Mass. Association of School Superintendents
• Mass. Juvenile Court
• Chelsea Public Schools
• Municipal Police Training Committee
• Strategies for Youth
• Youth on Board
• Citizens for Juvenile Justice
• Mental Health Legal Advisors Committee
• Children’s League of Mass.

Next Steps

• Implementation
• Training
• Standard Operating Procedures (SOPs)
Contact Information

Angela Brooks  
Director  
Child and Youth Protection Unit  
(617) 963-2590  
angela.brooks@mass.gov
The Criminalization of the Black Student: Feeding the School to Prison Pipeline

Bishop Talbert W. Swan, II, M.Div.
President, Greater Springfield NAACP

ARRESTED FUTURES REPORT

- Examined school-based arrests in Boston, Worcester and Springfield
- Evaluated which students were being arrested and why
- Found that Black students were being arrested for minor misbehavior

DISPARITIES IN AMERICA

- Blacks and Latinos are 30% of the population but almost 70% of prisoners
- 1 in 13 Blacks cannot vote because of a felony conviction
- Blacks and Latinos are more likely to be stopped, arrested, and charged with crimes because of racial profiling
CRIMINAL JUSTICE REFORM ACT

• SCHOOL RELATED EVENTS EXEMPTED FROM LAW PROHIBITING DISRUPTION OF AN ASSEMBLY
• BIAS FREE POLICING MANDATED
• MANDATORY TRAINING ON PRACTICES AND PROCEDURES RELATED TO BIAS FREE POLICING

RECOMMENDATIONS

• CALLING POLICE SHOULD BE A LAST RESORT
• DEVELOPING OF POLICIES AND PROGRAMS TO IMPROVE SCHOOL CLIMATE
• ADDRESS DISPROPORTIONATE USE OF ARRESTS OF BLACK AND NON WHITE STUDENTS
Taking the “Criminal” Out of “Criminal Justice”
11/14/19

Danna Mauch, PhD
President and CEO
Massachusetts Association for Mental Health

The Problem

- 20% mental health co-occurrence
- 10% substance use disorders
- 3% co-occurring
- 75% of law enforcement time is spent interacting with them
- 71% of 911 calls that result in for a mental health emergency

Year One Findings

Gaps in availability, accessibility, affordability, accommodation, acceptability, and experience of behavioral health and jail diversion services.
Current Year

Design a Restoration Center that delivers the following services:
• Assessment and triage
• Medical clearance
• Crisis stabilization
• Behavioral health urgent care
• Respite
• Mobile crisis teams
• Case management
• Sober support unit
• Psychopharmacology

To provide a clinically competent, viable alternative to emergency department, arrest, or involuntary commitment.

Current Year

Refine the target population

Identify related service improvements to enhance diversion
• Engagement with EOHHS ambulatory care redesign
The Problem

Criminal Justice

Social Services

Multiple systems
Complicated needs
High risk of relapse

Mental Health

Healthcare

Substance Use Disorder

Massachusetts Community Justice Project

Utilizes the Sequential Intercept Model to bring stakeholders together to:

- Inventory local resources
- Identify gaps in practices, protocols and programs
- Select priorities for change
- Begin action planning to implement change

Statewide Sequential Intercept Mapping project spearheaded by the Trial Court

Facilitates collaborations at the local level to reduce risk of justice involvement among people with mental health, substance use and co-occurring disorders

mass.gov/massachusetts-community-justice-project
Massachusetts Community Justice Project

Housed in the Executive Office of the Trial Court

Project Staff: Manager and Administrative Coordinator

Planning and implementation of two-day Community Justice Workshops (Sequential Intercept Mappings)

Follow-up technical assistance to communities

Organized by District Court jurisdictions, primarily

Local leadership by First Justice and Chief Probation Officers

Workshops to Date

Also adapting the Model to the needs of target populations, such as:

- Persons with opioid use disorder
- Pregnant and parenting women
- Survivors of commercial sexual exploitation

Sequential Intercept Model

Community Intercepts

- District Court: Civil Commitments
- Probate and Family Court: Guardianships
- Juvenile Courts: Care and Protections (status)
- Housing Court: Evictions

Mark Munetz, MD and Patty Griffin, PhD (2006)
Anatomy of a Community Justice Workshop (Sequential Intercept Mapping)

Lowell District Court Jurisdiction (population)
Lowell: 111,346
Billerica: 43,962
Chelmsford: 35,099
Dracut: 31,619
Tewksbury: 31,247
Tyngsboro: 12,357

Timeline

Spring 2018
Mental Health Court session in development in Lowell District Court

Summer 2018
UMass Lowell and Lowell Police receive a BJA grant to plan for addressing mental illness in Lowell

Fall 2018
Lowell District Court First Justice Stacey Fortes convenes a cross-sector group to begin planning for a Community Justice Workshop (Sequential Intercept Mapping)

January 2019
Two-day Lowell Community Justice Workshop brings together key local stakeholders from justice, healthcare, crisis, treatment and social service systems

Workshop Attendees
**Workshop Outcomes (Day-of-workshop)**

- Agreed upon shared values
- Inventory of community-based resources
- Development of a map of the local justice system
- Inventory of resources and gaps at each stage of the justice system
- Collective agreement on top priorities for change
- Development of an action plan to address priorities

**AGREED UPON SHARED VALUES**

**MCJP Values**
- Hope
- Choice
- Respect
- Abolish Stigma
- Person-first language
- Celebrate diversity
- Step up, Step back
- Recovery is possible

**Added by Lowell Stakeholders**
- Trauma-informed lens
- Strengths-based
- Varying perspectives
- Meet people where they are
- Recognize progress
- Compassion
- Patience
- Resiliency
- Share positivity
- Many paths to recovery
- Effectiveness is key
- Maintain boundaries
**Workshop Outcomes**

### Intercept 1: Dispatch and Law Enforcement

**Resources**
- Dispatch is under Lowell P.D.
- Data: Annual homeless count conducted
- Data: Police have a CAD code for mental health calls
- NAMICompass helpline: navigation support with a person, police can refer
- Crisis service will take walk-in/drop-off by police
- Community Opioid Crisis Program: outreach within 48 hours post-overdose, multidisciplinary team including police
- Training for dispatch on mental illness
- Police department – no mobile crisis collaboration on mental health calls
- No Crisis Intervention Training for police
- No Co-responder (embedded social worker) in police department
- CAD code doesn’t get updated as mental health call, after the call – data need
- Predictable turn-around time at ER for police department – police-friendly processes
- Awareness about crisis drop-off among police
- Resources for high services utilizers
- Sobering facility (outside of E.D. or P.D.)

**Gaps**
- Resources and GAPs at each Intercept

### Intercept 2: Initial Detention and Initial Court Appearance

**Resources**
- Court officers – trained to reverse overdose and stocking naloxone
- CPCS attorneys have access to social workers/clinicians for disposition planning
- 15a evaluation – court clinic
- Screens in police holding by crisis team
- Training for Court Officers – trauma, mental illness, addiction
- No mental health screen at probation intake
- Training about mental illness for attorneys – prosecution, CPCS, bar advocates
- CPCS information on next morning arraignments to allow for planning/preserving mental health needs
- Post-release case management for Section 35
- Alternative treatment options for Section 35 at court
- Information exchange/releases of information for Section 35 (for post-release support)
- Post 15a planning – people found not competent – Bermuda triangle, guardianships?
- Utilization of the Office of Community Corrections for pre-trial

**Gaps**
- Resources and GAPs at each Intercept

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**Collectively Agreed Upon Priorities for Change**

1. Resources for law enforcement – CIT, Co-Response, ESP evaluations
2. Transportation – to programs, court, treatment
3. Timely access to evaluation and treatment in the community – Rx continuity and urgent Rx access
4. Information exchange issues – probation, HIPAA, providers, during and post Section 35
5. Lowell justice-behavioral health roundtable
6. Crisis/sobering drop-off center/programs
7. Health insurance issues
8. Issues for people found not competent – Bermuda triangle
9. Continuity of care
10. Reentry support – I.D.’s, post-release caseworkers, insurance
11. Overdose prevention screening, training and naloxone at the jail and House of Corrections
12. Case management pre and post crisis
13. Mental health and addiction training for partners – attorneys, court officers, community
14. Pre-trial release continuity – insurance, date and coordination
15. Data collection processes – police, court, crisis, high-utilizers
16. Mental health/addiction screens at police, court intake
ACTION PLAN DEVELOPMENT

<table>
<thead>
<tr>
<th>Priority: Resources for Law Enforcement – CIT, Co-Responder, ESP evaluations</th>
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<tbody>
<tr>
<td><strong>Objective</strong></td>
</tr>
<tr>
<td>--------------------------------</td>
</tr>
<tr>
<td>CIT training</td>
</tr>
<tr>
<td>Mental Health First Aid training</td>
</tr>
<tr>
<td>Utilize Lahey/Crisis team in cell block</td>
</tr>
<tr>
<td>Crisis stabilization center</td>
</tr>
</tbody>
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**90-day plan development**

**6-month Follow-Up Evaluation**

- "Lowell Police Department is initiating the co-responder model and CIT training as well as applying for transportation funding based on the priorities identified in the workshop."
- "There has been an increase in cross-agency communication which is very helpful."
- "More open dialogue among different providers."
- "Law enforcement is creating partnerships with behavioral health services."
- "Better collaboration between the House of Correction and Court system has happened, but further participation from additional community partners is necessary to successfully coordinate care."
- "The hard part is finding champions to take on the hard work of following up on recommendations made in SIM mappings - this is the thing the Project should focus on going forward."
- "We have a closer working relationship with the court."

**Questions? Comments? Suggestions?**

Marisa Hebble, MPH
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Executive Office of the Trial Court
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