

NAMI MAINE

Family Guide to the Criminal Justice System

National Alliance on Mental Illness of Maine

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Foreword

Increasingly over the past ten years, NAMI's all across the country have been helping families of and people with mental illness negotiate the criminal justice system. With the closing of state psychiatric hospital beds that promised deinstitutionalization and the failure to create adequate systems of community care, jails have become the largest providers of mental health care in the nation. This book is designed to help people understand and negotiate the criminal justice system.

We have borrowed very liberally from a number of existing publications to put this manual together and we give them credit here:

A Guide To Mental Illness And The Criminal Justice System, National Alliance on Mental Illness
Department of Policy and Legal Affairs, 2008

Dealing With The Criminal Justice System, NAMI,
http://www.nami.org/Content/ContentGroups/Helpline1/Dealing_with_the_Criminal_Justice_System.htm

Mental Illness And The Criminal Justice System, Maine Sheriff's Association's Mental health
Initiative

Maine.Gov,

http://www.courts.state.me.us/maine_courts/specialized/drug/index.html

http://www.courts.state.me.us/maine_courts/specialized/drug/juveniles.html

http://www.courts.state.me.us/maine_courts/specialized/drug/family.html

<http://www.mainelegislature.org/legis/statutes/search.asp>

Volunteers of American Northern New England,

<http://www.voanne.org/Services/CommunityCorrectionsTransition/FirstMultipleOffenderProgram/tabid/3386/Default.aspx>

Restorative justice Project of the Midcoast, <http://www.rjpmidcoast.org/>

Maine Pretrial Services, <http://www.maineptrial.org/programs.htm>

Introduction

This *Family Guide to the Criminal Justice System* is intended to provide family members and others with information to help their loved ones navigate the criminal justice system.

The guide is intended to provide some of the needed information but unfortunately, there will be some information that may not be included as each case can be different.

The criminal justice system can be difficult for everyone but especially for those with a mental illness.

This guide serves only as a resource and in no way should serve as legal advice or be substituted for legal counsel.

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1. The Criminal Justice System

What is the Criminal Justice System

The criminal justice system is a collection of practices and organizations used by government to maintain social control, deter and control crime, and punish those who violate the laws.

How people get involved in the Criminal Justice System

People get involved in the criminal justice system because they have been accused of, or charged with, a crime (breaking the law). This usually happens in a couple of different ways. Someone can be charged with a crime in person by a law enforcement officer or they can be charged by the court system at a later date. The courts can charge someone by issuing a warrant for that person's arrest based on information they received from law enforcement. This usually happens because a complaint against that person was made after the alleged (someone's claim) crime was committed. It is important to educate families and people with mental illness about the federal firearms law. It is now illegal for any person who has ever been the subject of a blue paper (Maine's involuntary commitment process) that it is illegal for them to own a firearm or to live in a household where they have access to firearms. Violation of this law can lead to federal charges and if convicted to federal imprisonment.

2. Law Enforcement Involvement

Initial Contact with Law Enforcement

You, other family members, or loved ones of an individual with mental illness may need to call the police for assistance. This may be for a number of reasons.

If you believe that you, your family member or someone else is in danger, call 911. Be sure to ask for a CIT officer, as many Maine towns have officers trained to understand, de-escalate, and take a loved one to the hospital instead of to jail. If you believe there is no immediate danger, call your loved one's mental health provider or the crisis hotline 1-888-568-1112.

You may want law enforcement to take them into protective custody (a law enforcement officer may take a person into protective custody if he/she believes they are a danger to self or others and may take them to a hospital emergency room to be evaluated.). You may call for help locating a family member who has wandered off. You may call them because you are the victim of a crime. You may ask a law enforcement officer to make a "wellness" check.

Whatever the reason for the call for assistance, when you call ask if an officer trained in mental health crisis (CIT Officer) is available.

When you speak to a dispatcher at 911, be sure to give them as much information as you can about your family member and their mental health issues. Once the call for help has been made a law enforcement officer will be dispatched. The more information you provide, the better the outcome. Being sent to a call can be a difficult situation for law enforcement. They often have little information about what they are responding to. Once they arrive it is important for everyone to stay calm and for you to give them all the information you can about your family member.

Remaining calm helps the law enforcement officer figure out what is going on, get all the facts, and resolve the situation as quickly and safely as possible.

Some helpful and important information would be:

- Current behavior (non-violent, violent, etc.)
- Any access to weapons (guns, knives, etc.)
- Any history of violence
- Any current or history of mental health issues (including any diagnosis if known)
- Any medications (taking or non-compliant)
- Any mental health treatment
- Any current or history of drug or alcohol use
- Any history of self abusive behavior
- Any information that could help de-escalate the situation.

When giving the officer(s) this information, if possible, do so away from the family member in crisis. Be sure to tell them that your family member has a mental illness and that they may have difficulty communicating. For example, tell them if your family member has been hearing voices that may make it difficult for them to follow verbal commands. Explain to the officers that your family member may be delusional and that they may see someone or something that you and the officer cannot see.

Again, we refer to CIT (Crisis Intervention Team) because many Maine law enforcement agencies have officers that have received CITs 40 hours of specialized training on mental health crisis and de-escalation. Although all Maine police officers have 8 hours of training in mental health, they are not mental health professionals. This basic training helps officers to recognize mental illness and its symptoms. CIT officers, have more specialized de-escalation skills. But, they are not mental health professionals. They are public safety officers.

Once you have provided the officer(s) with all the information, it is important to stay back and let the officer(s) do their job. It is his or her job to secure the scene and keep everyone safe. If they need you to help calm or de-escalate your family member, they will let you know. Sometimes your presence can also escalate your family member. If a law enforcement officer tells you to stay away and you do not, you could be charged with a crime.

What will the law enforcement officer do with my family member

Law Enforcement Officers typically have three options when deciding how to resolve situations involving individuals with mental illness.

- If the alleged offense or behavior is determined to be minor and there is no evidence that a mental health intervention is necessary, the officer may choose to resolve the situation with a criminal summons to appear in court. This means the accused will not be taken into custody but will be ordered to appear in court at a later date.

In many situations the law enforcement officer has the discretion to decide to not take someone to jail because there is no danger to the accused or anyone else. When this happens, the accused has still been charged with an offense and needs to appear in court to answer the charges later. A new federal law now requires that social security and Medicaid benefits be stopped for any person with a bench warrant out for their arrest – even if this warrant was only issued for failure to appear. So if a summons is issued, it is important to appear in court.

- A law enforcement officer may place your family member under arrest and take them into custody for transportation to the jail. Many offenses are considered more severe or pose a threat of danger to the community. Those offenses usually require the accused to be taken to a jail for safekeeping.
- A law enforcement officer may place someone into protective custody to keep him or her safe from harm and to have them evaluated by a mental health professional. This can be done if your family member goes with them voluntarily (willingly) or they can be taken involuntarily (against their will). Taking someone into protective custody for a mental health evaluation, does not necessarily mean they have not also been arrested or charged. Usually the law enforcement officer has determined that the mental health evaluation takes precedence over being taken to jail (if they have also been charged). It also does not mean that the mental health professional who examines them will decide they need to be admitted to treatment. If you are present when a law enforcement officer takes your family member into custody, ask the law enforcement officer if your family member is being arrested, if they are to be taken to jail, if they are being taken for a mental health evaluation, or some combination..

3. Arrest and/or Incarceration

Where will my family member be taken?

Depending on the type of custody, they may be taken to the hospital for a mental health evaluation or to the local jail for booking. Again, ask the officer where they are being taken.

- If they are taken to the hospital for an evaluation, they may still have been charged with committing a crime but the officer feels as though a mental health evaluation is necessary and that the criminal charge can be dealt with later.
- If your family member is taken to the local jail, you can contact that facility to get and TO GIVE them more information. It is important that the jail know as much about your family member as possible so that they can provide appropriate care.

All jail phone numbers are listed on page ? of this book.

Once your family member is at a facility

- If your family member is taken to a hospital for a mental health evaluation, they will be seen by a medical professional to determine whether they need further treatment. This process can take a long time. Many hospitals will refuse to evaluate your family member if they are not intoxicated, and this can mean a delay if they have been drinking. Once they have been assessed by a mental health professional, a decision will be made as to what will happen next. Your family member may remain hospitalized, may be released from the hospital, or may be taken to the jail if they also have been arrested.
- If your family member has been taken to a jail, there will be a process that must be followed. Your family member will go through the admission and booking process. During this process the jail staff will ask your family member questions ranging from medical and mental health concerns to basic questions like name and address. Often, jail booking areas have little confidentiality. This can mean that your family member will not disclose any mental illness, medical needs, medications, or thoughts of self harm. Again, if possible it is important for you to provide information to the jail about your family members medical or mental health concerns. The jail is often limited in what information they receive about your family member.

At some point during this process, the jail will have bail set. A bail commissioner, representing the courts, will set the bail. Bail is a term for an amount of money (or property in some cases) that is required to be paid or posted to be released from custody (jail). It is paid to the court to insure your appearance at a later court date.

Not all offenses (crimes) have a bail set. In some cases a person is released on personal recognizance. In some cases, for more serious crimes, bail is not allowed upon arrest. The accused must go before a judge in the court. The court will then decide on a bail amount or hold the accused without bail.

If bail is set and your family member meets the required bail, he/she will be released from custody. When a person is released on bail there are specific conditions assigned to the bail. These conditions vary by case but the accused and their family members should be familiar with them as they are very important. If these conditions are violated or broken, the accused may be re-arrested and held without bail until they appear before a judge.

Bail conditions will be explained to the accused before they leave the jail. Most Maine jails have pre-trial service contracts with private providers. These allow a person to be released from jail, pending trial, but to be overseen by a case manager who monitors their compliance with bail conditions. Volunteers of America and Maine Pretrial Services are the organizations that provide most of these services. Their numbers are on page ? of this book. You may want to ask the jail if they have this service and how your loved one can be referred and accepted into it.

Now your family member is involved in the criminal justice system.

4. The Legal Process

Once you are in the Criminal Justice System

Stay calm. The process can be scary. The first thing a person (or their family member or loved one) should do is contact a lawyer. It is also important to know your rights or the rights of your family member.

Getting a Lawyer

If you or your family member decides they want to have an attorney (lawyer), you may hire your own or, if your family member cannot afford one, a court appointed attorney will be assigned.

If you or your family member hires an attorney, try and get one that has experience representing people with mental illness.

If you believe that your family member cannot afford to hire an attorney, they may apply with the court for a court appointed attorney. The court has a financial screener that will help with the application for an attorney. The telephone numbers for the District Courts in Maine are as follows:

Androscoggin County

Maine District Court – Lewiston	(207) 795-4800
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Aroostook County

Maine District Court - Presque Isle	(207) 764-2055
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Maine District Court – Caribou	(207) 493-3144
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Maine District Court – Fort Kent	(207) 834-5003
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Maine District Court – Houlton	(207) 532-2147
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Cumberland County

Maine District Court – Portland (207) 822-4204

Maine District Court – Bridgton (207) 647-3535

Franklin County

Maine District Court – Farmington (207) 778-8200

Hancock County

Maine District Court – Ellsworth (207) 667-7141

Kennebec County

Maine District Court – Augusta (207) 287-8075

Knox County

Maine District Court – Rockland (207) 596-2240

Lincoln County

Maine District Court – Wiscasset (207) 822-6363

Oxford County

Maine District Court – Rumford (207) 364-7171

Penobscot County

Maine District Court – Bangor (207) 941-3040

Maine District Court – Lincoln (207) 794-8512

Maine District Court – Millinocket (207) 723-4786

Maine District Court – Newport (207) 368-5778

Piscataquis County

Maine District Court – Dover-Foxcroft (207) 564-2240

Sagadahoc County

Maine District Court – West Bath (207) 442-0200

Somerset County

Maine District Court – Skowhegan (207) 474-9518

Waldo County

Maine District Court – Belfast (207) 338-3107

Washington County

Maine District Court – Calais (207) 454-2055

Maine District Court – Machias (207) 255-3044

York County

Maine District Court – Biddeford (207) 283-1147

Maine District Court – Springvale (207) 459-1400

In many cases a defendant (the accused) has a right to a court appointed attorney (if financially eligible) if he faces the possibility of jail time if convicted. If a conviction does not carry a sentence of jail time, the defendant can still hire his or her own attorney.

Some agencies have attorneys that will take criminal cases for those that cannot afford to pay. You or your family member can call either Pine Tree Legal Assistance or the Volunteer Lawyers Project for more information about their services. It can be very difficult to reach these organizations and not all cases are accepted due to limited time and funding

Pine Tree Legal Services

Augusta (207) 623-4731

Bangor (207) 942-8241

Lewiston (207) 784-1558

Machias (207) 255-8656

Portland (207) 774-8211

Maine Volunteers Lawyer Project

Portland (207) 774-4348

Constitutional Rights

The United States Constitution guarantees rights to citizens in the United States. Anyone accused of committing a crime has certain constitutional rights. These rights must be honored in all cases in all courts in the United States. States may establish other rights for citizens, but

they must be in addition to, or greater than, the rights guaranteed under the United States Constitution.

A summary of the rights guaranteed by the United States Constitution is as follows;

Fourth Amendment

This right prohibits the police from unreasonably searching your person or your home or unreasonably seizing (taking) your property or person (an arrest). In most cases a search or seizure needs a warrant to be reasonable, but not always.

This right also prohibits the prosecution from using evidence against you that was obtained through an illegal search or seizure.

Fifth Amendment

This is commonly known as the right to be silent. This right prohibits law enforcement from forcing someone to give evidence against themselves for prosecution. This is also the source of the Miranda warnings given by police before questioning.

Sixth Amendment

This amendment provides that in all criminal proceedings, the accused have the right to a speedy and public trial by an impartial jury and be informed of the nature and cause of the accusation. It also provides the right to confront witnesses against them, have witnesses for them and have assistance of counsel for defense.

Eighth Amendment

This amendment provides protection against unreasonable bail and fines. It also protects against cruel and unusual punishment. It helps ensure that the "punishment fits the crime". It also provides that every prisoner in every jail and prison will get appropriate treatment for any serious need.

Getting Legal Information

Depending on when you get involved in your family member's legal situation will dictate whom you should call for information.

You should first try to call the law enforcement agency that arrested or summonsed (given a ticket) your family member. If you are not certain who that was, keep in mind it could be a

police department, the county sheriff's department or even the state police. If you need assistance getting the name of the arresting department, you can call the jail. They should have that information if your loved one was arrested and taken to a jail.

Once you know what department made the arrest, you can call them for information. The number for all local police departments should be in the telephone directory. They may be able to give you information about the status and circumstances of the charges. If a lot of time has passed since the date of the charges, they may not be able to give you any information because it has been handed over to the District Attorney's Office. Usually once it has been given to the District Attorney's Office it becomes part of the evidence in the case.

If you are unable to get any information from the law enforcement agency, you should call the District Attorney's Office in the region that the charges occurred. They are usually helpful in providing information. They may also have restrictions on what they can provide to you. This may be because of a couple of reasons.

They may need to keep the information private to protect the defendant's rights.

They may not be able to release some information because it has become evidence.

Some types of information are public information and anyone has the right to it. Information such as the charge(s) is public information.

If you are not able to get any information, you may want to contact an attorney for assistance with your family member's case. You may also want to contact NAMI Maine to see if assistance can be provided to you and your family.

A list of the District Attorney's Office in each area is listed below.

Androscoggin County	Auburn	(207) 784-1397
Aroostook County	Caribou	(207) 498-2557
	Houlton	(207) 532-4294
	Presque Isle	(207) 764-0504
Cumberland County	Portland	(207) 871-8384
Franklin County	Farmington	(207) 778-5890
Hancock County	Ellsworth	(207) 667-4621
Kennebec County	Augusta	(207) 623-1156
Knox County	Rockland	(207) 594-0424
Lincoln County	Wiscasset	(207) 882-7312
Oxford County	South Paris	(207) 743-8282
Penobscot County	Bangor	(207) 942-8552
Piscataquis County	Dover-Foxcroft	(207) 564-2181

Sagadahoc County	Bath	(207) 443-8204
Somerset County	Skowhegan	(207) 474-2423
Waldo County	Belfast	(207) 338-2512
Washington County	Calais	(207) 454-3159
	Machias	(207) 225-4425
	Alfred	(207) 324-8001
York County	Biddeford	(207) 282-0466
	Springvale	(207) 324-8214
	York	(207) 363-7434

5. The Court Process

There are many steps in the judicial process. The number of steps in the process varies from case to case. Some have just a few steps and/or court appearances, other have many. Each case has some basic and fundamental steps.

Think of the system (process) as a highway with different exits. Once on the highway (in the system) there are many points, you can exit. It is much the same with the judicial process. Once in there may be different exit points for different cases or defendants.

Some of the steps in the process or system are outlined in this section.

To help better understand the process your family member will be going through if they are arrested, the steps are outlined below.

Process	Explanation
Arrest	<i>Taking someone into custody and charging them with a criminal offense.</i>
Booking	<i>An admission process to a jail</i>
Bail	<i>An amount of money or personal property set by a commissioner or the courts. In some cases individuals can be held without bail and may not be released from jail.</i>
Initial Appearance or Arraignment	<i>The first appearance in court where the defendant is informed of the charges against them.</i>
Preliminary Hearing	<i>In the event of serious charges, a hearing is held where evidence is presented to show justification for a trial to be held in superior court. In the event of minor charges, there is no preliminary hearing.</i>

Motions	<i>A court appearance for special purposes such as bail review, forensic evaluations, etc.</i>
Trial	<i>Process of presenting evidence to attempt to prove guilt beyond a reasonable doubt.</i>
Sentencing	<i>The part of the process where punishment is imposed (decided) for a finding of guilty. It can be jail/prison time or a fine(s).</i>

Initial Appearance or Arraignment

The initial appearance is when your family member or loved one appears for the first time in court. The location is usually in the district court. Criminal law designates offenses by either misdemeanor or felony. After the initial appearance, the court that handles the proceedings is determined by the level of the offense. Misdemeanors are handled at the district court level and felonies at the superior court level.

At the initial appearance the accused (defendant) enters a plea (not guilty, guilty or no contest).

If the defendant has not been held in custody at the jail, they will enter their plea.

If they plead not guilty and bail is continued by the judge, they will leave the court with a future court date. That return visit to court will be for a trial.

If they plead guilty or no contest, the judge will then decide whether to;

Continue bail until a future court date for sentencing or;

Order the defendant into custody if the conviction carries a punishment of jail or prison time or (in some cases the court may allow a defendant to report for a jail sentence at a later date) or;

Order the defendant to pay any fine(s) (if jail time is not required) and allow the defendant to be released with time to pay their fines.

If the accused has been held in custody, the jail will bring them to the court for their initial appearance. Usually the defendant has been in custody because they have been denied bail, they were unable to afford the bail amount, or they were released on bail or a pre-trial contract and violated the conditions of that release. The defendant will then enter a plea.

If they plead not guilty the judge will then decide whether to;

Continue the bail or amend the bail. This can mean that if the bail is kept the same or the amount is increased, the defendant may still not be able to afford to post the amount and therefore must remain in custody.

Lower the bail amount.

If they plead guilty the judge will then decide whether to;

Order they be held in custody until a later court date for sentencing or;

Pronounce sentencing and order them held to begin serving their term of incarceration or;

Allow post conviction bail and set a future court date for sentencing.

If bail continues, whether it is after a not guilty, guilty, or no contest plea, there will be bail conditions until the case reaches its conclusion (disposition) or the next court appearance.

It is important to know that if a bail is continued, the defendant must understand all conditions of that bail.

Trial

Up to this point, it has been mentioned that some defendants may never get to the trial portion of the court process. This is because their case has been adjudicated (settled) and there is no need for a trial. This is usually because the defendant has plead guilty, no contest or the charges against them have been dropped.

If a defendant does go to trial, they are protected under the United State Constitution's Fifth Amendment.

Trials can last a short period of time or for days or weeks. It depends on how much testimony and evidence is introduced and how long the jury deliberates (takes to decide). During the trial both the prosecution and defense will have their opportunity to prove either guilt or innocence. Once all of the evidence has been presented and the testimony completed, the jury or the judge will decide the case.

In each criminal case, the defendant has the right to waive (give up) his/her right to a jury trial and let the judge decide the case. Once the jury has reached a verdict (decision), the case will be finished (in some cases there may be an appeal in a guilty verdict).

If the resulting verdict is not guilty, the defendant is immediately free to leave the court.

If the resulting verdict is guilty, the judge may order the defendant taken into custody or allow them post conviction bail until a court date for sentencing.

Sentencing

This is the part of the process where punishment is imposed. Only those defendants that have plead guilty or been found guilty will take part in this process.

Once a defendant has been sentenced, they are usually ordered into custody if the punishment is jail or prison time. In some cases, a defendant may be allowed to report to the jail or prison

for their sentence at a later date. This date is assigned by the judge and the defendant is placed on post conviction bail until that date.

Split sentences are common in Maine. A split sentence is some jail time served and some period of probation once the jail time has been completed.

In cases where the conviction does not result in jail or prison time, the punishment (sentence) is a fine or fines or probation. It is common for the judge to grant the defendant time to pay the fine or fines.

Sentencing Options

Maine has a few sentencing options depending on the criminal charges against an offender. Each has specific criteria to participate. You should contact your attorney, the court in which your case is being handled or one of the resources listed in each program description.

Drug Courts

These special programs are for drug-using offenders. Drug courts in Maine handle cases involving drug-using offenders through supervision, drug testing and treatment services. The programs force the offender to deal with his/her substance abuse problem. The programs work much like a court diversion program. The offender must enter a guilty plea and following graduation from the program, can get a reduced sentence. While participating in drug court, clients are allowed to remain in the community while being supervised by a drug court case manager and other drug court staff.

Goals of the Drug Court are;

- Reduce alcohol and drug abuse by the offenders
- Increase accountability of offenders
- Develop assets and skills to be a more productive citizen

Maine has three different types of drug courts. Adult, Juvenile and Family Treatment.

Adult Drug Court

Locations:

Machias & Calais District Court

Androscoggin County Superior Court

Penobscot County Superior Court

York County Superior Court

Hancock County Superior Court
Portland District Court

For more information about Adult Drug Courts, contact Court Case Managers:

Cumberland County	(207) 774-1501
York County	(207) 282-1477
Hancock County	(207) 667-3624
Androscoggin County	(207) 783-5450
Penobscot County	(207) 945-4807
Washington County	(207) 853-4549

Or visit the internet at;

http://www.courts.state.me.us/maine_courts/specialized/drug/index.html

Juvenile Drug Court

Locations:

Maine District Court – Biddeford
Maine District Court – Lewiston
Maine District Court – Portland
Maine District Court – West Bath

For more information on Juvenile Drug Courts, contact:

Hon Keith A. Powers
Maine District Court
P.O. Box 412, Portland, ME 04112
(207) 822-4269

Or visit the internet at;

http://www.courts.state.me.us/maine_courts/specialized/drug/juveniles.html

Family Treatment Drug Court

Locations:

Augusta
Lewiston

For more information, contact Court Case Managers;

Lewiston (207) 795-4877

Augusta (207) 624-5522

Or visit the internet at;

http://www.courts.state.me.us/maine_courts/specialized/drug/family.html

Kennebec County Co-occurring Disorders Court

This special court was established in 2005 in the Kennebec County Superior Court. It is designed to serve defendants with mental illness and substance abuse disorders.

For more information on the Kennebec Co-occurring Disorders Court, contact:

Kennebec County Superior Court (207) 624-5800

Maine Pretrial Services (207) 774-1501

Alternative sentencing Program

Most counties in Maine offer an Alternative Sentencing Program for non-violent misdemeanor offenders. This program allows the convicted offender to be sentenced, by the court, to participate in a special program that requires community service work instead of jail time. The program also has an education component. The offender is housed in a residential setting for the duration of the program under supervision of program staff.

For more information on the Alternative Sentencing Program, contact the court that is handling your case or;

Volunteers of America (207) 442-0181

Restorative Justice Project of the Midcoast

The Restorative Justice Project of the Midcoast has several programs. Each serves a specific client.

Community Resolution Team (CRT) - This program provides juvenile offenders with an alternative to arrest, adjudication, jail and probation.

Community Reentry Program – This program assists inmates from the Waldo County jail in more successfully transitioning back into the community.

Restorative School Practices – This program works with schools throughout the state of Maine, to change the school climate with regard to behavioral issues resulting in detentions and suspensions.

Court Deferred Dispositions – This program provide individuals facing potential jail time the opportunity to address their crime through a community conference process and the

For more information on these programs, contact;

Restorative Justice Project of the Midcoast (207) 338-2742
P.O. Box 141
Belfast, ME 04915

Or visit the internet at; <http://www.rjpmidcoast.org/>

Deferred Disposition

Maine law has established that a person, if eligible, can be considered for deferred disposition.

Deferred disposition means that the court may order sentencing to take place at a later date. The defendant then must follow all requirements set by the court during the period of deferment. After the term of deferment, the defendant returns to court for a final hearing. At this final hearing, if the defendant has successfully completed the requirements of the deferred disposition, the court can impose a sentencing alternative authorized for the crime or possibly allowing a change in plea by the defendant for dismissal or the pending charge. **You should contact an attorney, or the court that is handling you case, to learn more about deferred disposition. This is just an overview.**

This sentencing option is for persons who have plead guilty to a class C, class D or class E crime and who consent to a deferred disposition.

More information can also be found on the internet at;
<http://www.mainelegislature.org/legis/statutes/search.asp>

6. Dealing with a Family Member in Custody

Providing the jail with information

Once your family member is taken to jail, they may remain there for some time. This may be because they cannot make bail while they wait for the court process to move forward. You may also be dealing with the jail if your family member pleads, or is found guilty.

It is important to give the jail information about your family member as soon as they arrive. The more information they have about your family member, the better. Often jails do not have

much, if any, information about the medical and mental health issues of those in custody. The jail will ask questions about these and other issues but may not get accurate information or honest answers. Often, lack of a confidential setting to obtain this information contributes to people not being upfront about their medical and mental health needs.

You can help by providing the jail with information. Be sure to give them information that will help them care for your loved one.

Some helpful and important information would be:

- Any current or history of suicidal attempts
- Any current or history of mental health issues (including any diagnosis if known)
- Any medications (taking or non-compliant)
- Any medical concerns
- Any mental health treatment
- Any current or history of drug or alcohol use
- Any history of self abusive behavior
- Any information that could help de-escalate

Contacting the jail

Below is a list of all the jails in the State of Maine and their telephone numbers. It is important to know that, effective in 2009, the Maine Board of Corrections is developing a plan to close, consolidate, and re-structure Maine's jails. As of this writing (March, 2009) there are still 15 Maine jails. This could change and some local jails could become 72 hour holding facilities, specialty jails, or close altogether. You can contact NAMI Maine (1-800-464-5767) for an update about this, and the phone numbers below.

Androscoggin County Jail	Auburn	(207) 784-3053
Aroostook County Jail	Houlton	(207) 532-7317
Cumberland County Jail	Portland	(207) 774-5939
Franklin County Jail	Farmington	(207) 778-3032
Hancock County Jail	Ellsworth	(207) 667-7588
Kennebec County Jail	Augusta	(207) 621-1688
Knox County Jail	Rockland	(207) 594-0430
Oxford County Jail	South Paris	(207) 743-5870
Penobscot County Jail	Bangor	(207) 947-4585

Piscataquis County Jail	Dover-Foxcroft	(207) 564-3304
Somerset County Jail	Skowhegan	(207) 474-7409
Two Bridges Regional Jail (Lincoln & Sagadahoc Counties)	Wiscasset	(207) 882-2609

Getting information from the jail

When a family member is being held at a jail, it can be difficult to communicate with them. Though they have access to a phone, it can be difficult to make regular calls and it can be expensive. Writing your loved one is a good way to show them you care but is not a practical way to stay informed.

When you need to find out basic information about your loved one, you can call the jail and ask for the on duty supervisor. They are usually familiar with all inmates being held and can be helpful. Keep in mind that if your family member is an adult and you are not their legal guardian, the jail is not required to provide you with information. With that in mind, it is helpful to be pleasant with the staff and to obtain your family member's written release of information. If you find that you are not being treated appropriately and want to express your concerns, call the Jail Administrator at the jail and/or call NAMI Maine for help.

When you need to find out specific information about your loved one, such as medical and mental health information, you need to speak with the medical department. Each jail has a medical department that coordinates the medical and mental health treatment in the facility. They will be the ones that have that type of information. Keep in mind that they operate under strict rules of confidentiality. If they do not have releases of information signed by your family member, they cannot talk to you about those issues. If possible, have your family member sign releases of information with the medical department so that you can help with their treatment. You might also want to have your family member develop an advance directive that spells out their wishes and that describes the involvement that they want you to have in their care.

What should I know about life in jail

Jail staff are well trained to keep your family member or loved one safe and secure. They take their jobs seriously and do them with pride. Most of Maine's jails have CIT officers, specially trained to recognize and understand mental health issues and to de-escalate individuals experiencing mental health crisis. Though some have specialized training, it is important to remember that they are not mental health professionals. They are public safety officers. It is also important to remember that jails are not mental health treatment facilities, even though they are required to provide treatment.

Life in a jail varies by facility. Jails have very structured routines. Daily activities follow a plan of the day. There is time set aside for all types of activities such as recreation, meals and even leisure time. Depending on the classification (security level) of the person, they may get more or less time for each activity.

There are different times and days for visiting those held in the jail. Each of the jails may have different rules, regulations and policies for these and other activities. It is important that you call the jail and ask about their plan of the day so that you know. Because jail life is fluid, you may intend to visit on a day where, for whatever reason, visits have been limited. It is always good to call before going to make sure that visiting hours are still available.

Prisoner Rights

Eighth Amendment

Every person in jail or prison with a "serious medical need" has a right to appropriate medical care, including persons with serious mental illness.

All persons held in jails and prisons in the United States have a right to appropriate medical care. This is a right guaranteed by the Eighth Amendment of the U.S. Constitution. It been determined to apply to the treatment of people with serious mental illness. This right is only when a "serious medical need" for treatment exists. And, it is the jail who determines the need for treatment, not the family or the inmate.

When your family member with mental illness is in jail, you will need to be a good advocate. It is important for you to show that he/she has a "serious medical need" so that the jail or prison will be obligated to treat the mental illness.

CRIPA

CRIPA stands for Civil Rights of Institutionalized Persons Act. It was enacted to give the Department of Justice the authority to bring law against institutions to protect the civil rights of prisoners.

Since its enactment in 1980, the Department of Justice has bettered conditions for tens of thousands of institutionalized persons who were living, often, in life-threatening conditions. Those persons now receive adequate care and services. They have focused on many case involving abuse and neglect. You can view some of the reasons why the Department of Justice has become involved by typing CRIPA into your search engine and going to their website.

Jails in Maine are aware of CRIPA and understand the requirement of proper care and custody of the prisoner. They must also provide a sanitary environment for inmates. It is important for you as a family member to understand that CRIPA exists and can be a useful resource if you feel your family member's rights are being violated.

7. Resources in Maine

NAMI Maine – 1-800-464-5767

Advocacy organization representing people with mental illness and their families.

Maine Pretrial Services - (207) 774-1501

Organization overseeing and providing case management services for pre-trial contracts, deferred disposition cases and Maine's Drug Courts.

Volunteers of America – (207) 442-0181

Organization overseeing and providing case management services for pre-trial contracts, home release monitoring, deferred disposition case and Alternative Sentencing Programs.

Maine Disability Rights Center – 1-800-452-1948

Organization with authority to investigate complaints about abuse in Maine's jails and prisons. Attorneys are employed who can pursue rights violations.

advocate@drcme.org

State of Maine's Federation Chapter;

The G.E.A.R. Parent Network – 1-800-452-1948

For issues and information related to youth and law enforcement.

www.gearparentnetwork.com