

JUNE 2020

“YOU SEND YOURSELVES TO JAIL”

COERCIVE DIVERSION IN THE
ALLEGHENY COUNTY MENTAL
HEALTH COURT

ABOLITIONIST LAW CENTER:
COURT WATCH





I submitted a habeas corpus w/
Brandi ~~Carter~~ as my legal counsel



Yes, Mr. ~~mmmm~~, I will be happy
to represent you.



Mr. Bray, the reason why your motion
didn't go through is b/c you already
have counsel here, even if you don't
want him.

BY:DARYA KHARABI

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**YOU'RE COMING IN TO
SWEET-TALK US SAYING
YOU'RE TRYING TO FEED
YOUR BABIES AND THINKING
YOU'RE NOT GOING TO JAIL.
YOU DON'T KNOW ME AT ALL.**

**I'VE BEEN ON THE BENCH
FOR 17 YEARS AND YOU
KNOW HOW MANY PEOPLE
I'VE SENT TO JAIL? NONE.
YOU SEND YOURSELVES TO
JAIL. I DON'T MAKE THE
CHOICE; YOU MAKE THE
CHOICE...**

**HOW LONG ARE YOU GOING
TO KEEP GIVING ME THE
POWER?**

**JUDGE LAZZARA, MENTAL
HEALTH COURT, 6/21/2022**

INTRODUCTION

Allegheny County's Mental Health Court requires participants with diagnosed mental illnesses to plead guilty to criminal charges in order to be sentenced to an inpatient program rather than jail.

On threat of incarceration, the Mental Health Court imposes requirements from forced medication and heavy fines to no-contact orders for "bad influence" family members and electronic surveillance.

- The MHC has entered no-contact orders against participants' parents, siblings, and children. One official referred to a family's involvement as "meddling."

The Abolitionist Law Center's Court Watch program has been monitoring hearings at the Mental Health Court since March of 2021. Court watchers observed just under 300 hearings over the course of 18 months and produced in-depth descriptions of the hearings for analysis. This project reports central themes within the court watchers' findings.

MHC court proceedings border on the absurd. Its judge, Beth Lazzara, is a former personal injury lawyer with no publicly detailed credentials in psychiatry, psychology, behavioral health, therapy, or any other form of mental health treatment. The MHC courtroom is lined with Star Wars plushies. Lazzara has introduced award schemes involving bracelets and Star Wars-themed certificates as carrots to the jail's stick.

- Lazzara gives out "hope," "courage," "patience," and "strength" bracelets alongside "Han Solo turn-it-around" and "Yoda do-or-do-not" certificates

At best, the Mental Health Court is too late; as a plea-dependent court, it subjects people to most traditional carceral processes and leaves them with a permanent record. In practice, the MHC revolves around the threat and reality of jail. Defendants have already been arrested. Many are incarcerated intermittently throughout their time in the MHC.

- Police took at least one MHC defendant experiencing a mental health crisis, a young Black man, to the ACJ instead of the hospital against the express wishes of his parents.

The MHC directly criminalizes the behavioral health problems of its participants, punishing drug use, relapse, and what it perceives as aggression.

- Defendants in the MHC are 1.5 times as likely as others to be criminally charged for "threats;" within facilities and hearings, they are regularly punished for drug relapse or aggression.

Mental health professionals rarely attend proceedings, and defense counsel for participants are present at less than half of hearings. MHC officials belittle and degrade participants in court.

- Lazzara says "find a bus, uber, bicycle" to get to work. She mimics him: "I'm going to have a sob story because I'm low on diapers and they're going to let me out of jail for it."

INTRODUCTION (CONT'D)

From start to finish, the Mental Health Court functions like other criminal punishment systems in Allegheny County. It starts with arrest and revolves around the threat of the ACJ. It surveils and punishes participants for their struggles with mental and behavioral health. It forcefully deprives people of their freedom of movement and medical autonomy.

We end with a set of targeted recommendations to reduce some of the most severe harms in the MHC. By providing extensive quotations of troubling observations across a range of issues, this report maintains an emphasis on the MHC's deep and fundamental flaws.

COURT WATCH

The Abolitionist Law Center (ALC) is a public interest law firm organized for the purpose of abolishing class and race-based mass incarceration in the United States. To that aim, the ALC engages in litigation on behalf of people whose human rights have been violated in prison, produces educational programs to inform the general public about the evils of mass incarceration, and works to develop a mass movement against the American penal system by building alliances and nurturing solidarity across social divisions.

Founded in 2020, ALC Court Watch applies the tactic of surveillance utilized by the criminal punishment system to work on behalf of the people it claims to serve. Court Watch is a volunteer-powered center of activism arising from the practice of observing court proceedings. We consider court watching to be part of a legacy of non-violent protest set by the Civil Rights movement. Activists dramatically shift the status quo simply by placing themselves in unwelcome spaces.

Court Watch volunteers document their observations, producing a steady flow of qualitative and quantitative data to be evaluated and acted upon. We illuminate these findings to inform the public, policymakers, activists, and legal professionals.

Our goal is to help promote harm reduction and abolitionist reforms that will reduce the county's incarceration rate, promote racial justice, and improve public safety by encouraging decarceration and alternatives to current apartheid systems of punishment.

Mass incarceration and the adverse collateral consequences of criminal prosecutions and convictions are deeply entrenched in Allegheny County. According to the County's Jail Dashboard, as of February 6, 2023, 94% of those held in the Allegheny County Jail (ACJ) are not serving a sentence for a criminal conviction, but instead are held pre-trial or detained for alleged probation violations. More than half of those held in ACJ are being held pending resolution of probation violations, which are often technical violations that do not involve a new charge. The County has a higher incarceration rate of Black people than the national average. While only 13% of the County population is Black, a consistent two thirds of those held in ACJ have been Black over the past three years.

With the courts at the nexus between policing and prisons, the court watch program presents an opportunity to get at the structural and systemic issues in the courts that keeps the most disadvantaged people in our communities unable to access civil rights afforded by the constitution and human rights inherent to their dignity as a person. Court Watch volunteers are instrumental in exposing the abuses of the County's apartheid legal system.

DATA SUMMARY AND METHOD

Between March 8, 2021, and October 3, 2022, Mental Health Court Watchers observed 290 unique hearings with 153 different participants. While most participants were only observed in one hearing, some participants were observed at many successive hearings.

HEARINGS	DEFENDANTS
1	81
2	33
3	26
4	8
5	1
6	1
7	2
8	1

ALC Court Watchers have produced a large set of detailed observations that can be evaluated both qualitatively and quantitatively.

The most important information in the dataset is not representable through charts or statistics. Court Watchers write detailed notes of what was said during hearings. This report quotes extensively from Court Watcher observations in order to capture the experience of being inside the courtroom. The observations are dated and participants are anonymized.

The Court Watcher records contain some quantifiable observations concerning the hearings themselves, such as the duration of the hearing or the charge/offense being discussed. For additional information on demographics, fees, and other publicly available case information, we scraped available online docket records. Not all Court Watcher entries contained docket numbers, so this information, while still very useful, is incomplete.

For all data which could be evaluated quantitatively, we used the programming language R for cleaning data and producing descriptive statistics and ggplot2 visualizations.

In each element of quantitative analysis, we explain the subset of data used. For example, demographic analysis requires filtering so that each defendant only appears once; in hearing duration analysis, however, all unique hearings are included regardless of the defendant.

Additionally, the master dataset is compiled from three different web forms used by Court Watchers over the 18-month period. Not all forms contain precisely the same columns and court watchers did not fill in every piece of information for every hearing. Values for 'total' vary across the report; analysis of any single variable type begins with filtering the dataset to exclude rows in which no entry was made.

DISABILITY JUSTICE

This report uses an abolitionist disability justice framework to analyze the Allegheny County Mental Health Court. A disability justice analysis examines the social construction of disability and its intersection with race, gender, queerness, and other forms of subordination. It emphasizes building power within directly impacted communities over reforms or accommodations within existing structures.¹ This is in contrast to disability rights, which advocates for legal mechanisms to promote equality.

Patty Berne's "Working Draft for Disability Justice" sets out core principles for disability justice, all of which the Mental Health Court violates:²

SUSTAINABLE LEADERSHIP OF THE MOST IMPACTED

None of the MHC's programming nor any of the studies of the MHC include, or even consider, the actual perspectives of participants. See sections 'Who are the Stakeholders?' and 'Mental Health Court Process.'

CROSS DISABILITY SOLIDARITY

The MHC excludes many people with mental illnesses for their severity, with a categorical bar on people charged with most acts of violence. It also flattens and conflates all mental illnesses – cognitive, psychological, neurological, emotional, behavioral – infantilizing to most participants and inattentive to individual needs. See sections 'Entering Mental Health Court' and 'Beth Lazzara's Courtroom.'

1. Community Members with I/DD, ASD, and CI and the Criminal Punishment System in Allegheny County, Abolitionist Law Center, 2023

2. Community Members with I/DD, ASD, and CI and the Criminal Punishment System in Allegheny County, quoting "Disability Justice - a working draft by Patty Berne"– Sins Invalid, 10 June 2015. <https://www.sinsinvalid.org/blog/disability-justice-a-working-draft-by-patty-berne>

INTERSECTIONALITY AND CROSS-MOVEMENT SOLIDARITY

The MHC fails to recognize that race, age, gender, faith, and sexuality all shape the experiences of mental illness and call for personalized interventions. Instead, some MHC officials show active disrespect for participants' identities. See section 'Intersectional Experiences.'

COLLECTIVE ACCESS AND LIBERATION

The MHC isolates mental health as a single unit of analysis and point of (individual, punitive) intervention. It positions violence, drug use, and behavioral health problems as barriers to receiving or continuing treatment. Within a privatized institutional system, the MHC provides mental health care only in the context of criminalized people with documented severe mental health problems. Without freely available systems of mental health treatment before getting locked up, the MHC can only ever be a reactionary and punitive force. See sections 'The Criminalization of Mental Illness' and 'Mental Health Court.'

RECOGNIZING WHOLENESS

The MHC relies on shame and punishment to rid people of mental illnesses, rather than recognizing their inherent worth and accepting mental illness as a reality of that person's experience. See section 'Criminalizing Mental Illness in the MHC.'

ANTI-CAPITALISM

The MHC supports a system of semi-privatized institutions that profit from providing services with little oversight, expanding the prison-industrial complex. This is in addition to charging participants exorbitant sums in fines, fees, and restitution, compounding systemic poverty. See sections 'Facilities' and 'Fines, Fees, and Restitution'.

INTERDEPENDENCE OF PEOPLE AND COMMUNITIES

The MHC takes an individualistic approach to mental health care. Rather than keeping people connected with their communities, it segregates them within institutions and, once out, sometimes prevents them from living with or contacting family. See sections 'Breaking up Families' and 'Discrimination and Degradation in Mental Health Court.'

While this report makes recommendations for improving the Mental Health Court, they cannot change the fundamental flaws of the system. Rather, we suggest multiple efforts for targeted harm reduction in the 'Recommendations' section. Practical modifications to the existing Mental Health Court can and should provide material improvements for the people suffering within it today.

The abolitionist and disability justice contributions of this project are:

- (1) building and sustaining the ALC Court Watch, a crucial structure for community oversight;
- (2) centering the experiences of participants in the MHC, not those running it;
- (3) correcting the positive reformist narrative currently surrounding the MHC; and
- (4) providing recommendations for targeted harm reduction.

While not a necessary element of abolitionist organization,

- (5) this report's emphasis on county-level politics/local power-building is another strategic tactic for direct oversight and control of carceral systems.

THE CRIMINALIZATION OF MENTAL ILLNESS

The disproportionate number of people with mental illnesses involved in the criminal punishment system has been a well-documented and consistent issue for decades.

Policy makers and mental health practitioners have termed this *the criminalization of mental illness*.³ This process is described in more detail in the Abolitionist Law Center's report *Invisible by Design: Developmental and Cognitive Disabilities in Allegheny County's Criminal Legal System*.

Mental and behavioral health issues are common in Allegheny County and overlap substantially with involvement in the criminal punishment system.⁴ People who regularly make use of inpatient mental health services (characterized as "frequent utilizers" by the county) are two to two-and-a-half times as likely as others to be involved in the Allegheny County criminal punishment system. Of the 1,456 people who died by suicide in Allegheny County between 2008 and 2017, 12% had been involved in the county court system in the year prior to their death.⁵

3. Daniel Ringhoff et al. "The criminalization hypothesis: practice and policy implications for persons with serious mental illness in the criminal justice system." *Best Practices in Mental Health*, Vol. 8, No. 2, Dec. 2012, Gale Academic OneFile

4. Frequent Utilizers of Services in Allegheny County: Mental Health Crisis Services, Allegheny County Department of Human Services, August 2022 at page 2, https://analytics.alleghenycounty.us/wp-content/uploads/2022/08/21-ACDHS-13-FrequentUtilizersReport_MH_Aug2022.pdf

5. As of 2016, Allegheny County's level of suicides was higher than both the national and state-wide rates. *Data Brief: Allegheny County Suicides Increased by Almost 50 Percent in the Past Decade, with Recent Rates Higher than the State's and the Nation's*, Allegheny County Department of Human Services, June 2019 at 2, https://www.alleghenycountyanalytics.us/wp-content/uploads/2019/07/19-ACDHS-06-Suicide-Brief_v3.pdf

This is not a straightforward issue of propensity to commit crime. People with mental illnesses are often arrested on trivial charges such as trespassing or disorderly conduct.⁶ Designation of these behaviors as “crime” rather than symptom – disorder v. decompensation, trespass vs. loss of bearings – is a subjective, and often arbitrary, choice. Individuals on probation have additional behaviors criminalized as well, including but not limited to: failing to complete community service, being out past an imposed curfew, not finding and maintaining employment, and leaving treatment centers. People with mental illnesses may struggle with or be wholly unable to adhere to these and other supervision conditions.

Criminalization begins with “the decision making processes ‘on the street’ by police officers who choose to apprehend and arrest certain cohorts of persons... rather than working with them” and seeking alternatives to incarceration.⁷ Police have the authority and legal discretion to make decisions about the people they arrest, “determining if a person is in need of treatment and, if so, deciding whether treatment at a hospital or detention in a jail is more appropriate.”⁸

One young Black man in the MHC was transported to the ACJ rather than the hospital against the express wishes of his parents. He had sustained a near-fatal traumatic brain injury and was showing severe symptoms of mental illness.

He started a fire, then communicated to his parents that he was experiencing auditory hallucinations and homicidal ideation.

His parents called the police, the most readily available emergency response force, and asked for him to be transported to a hospital.

But the police took him to ACJ. The parents were waiting at the hospital for him, but he was in jail under restraints. He reacted badly to being restrained and tried to grab an officer’s gun. The charges all stem from these events.

*Mental Health Court Watcher Observation
August 22, 2022*

This demonstrates three crucial problems with the Allegheny County MHC and criminal punishment system across the board.

1. Officials of the criminal punishment system cannot be the primary emergency response for people experiencing mental health crises.
2. Racism is a major determining factor in whether people with mental illnesses are met with treatment or criminalization.
3. Input from participants and their loved ones is treated as secondary, if considered at all.

Our Court Watch observations in the Criminalizing Mental Illness in the MHC section show that people in the MHC are disproportionately likely to be charged with threats, escape, and failure to comply with court-mandated conditions. Many participants were reprimanded for “aggressiveness,” known to be an expression of many psychiatric conditions.

The criminal system punishes these behaviors rather than interpreting them as calls for care and concern. Allegheny County systems from the police to the MHC arbitrarily categorize certain behaviors as symptoms and other behaviors as crimes, doling out punishment on a whim. (Footnotes 6–8)

6. William H. Fisher, Eric Silver, & Nancy Wolff, “Beyond Criminalization: Toward a Criminologically Informed Framework for Mental Health Policy and Services Research,” *Administrative Policy and Mental Health* Vol. 33 No. 5 (2006) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2811041/>
7. Perlin, Michael L. and Lynch, Alison, “Had to Be Held down by Big Police: A Therapeutic Jurisprudence Perspective on Interactions between Police and Persons with Mental Disabilities” (2016). Articles & Chapters. 1225. https://digitalcommons.nyls.edu/fac_articles_chapters/1225 at 687
8. Jennifer Fischer, “The Americans with Disabilities Act: Correcting Discrimination of Persons with Mental Disabilities in the Arrest, Post-Arrest, and Pretrial Processes,” *Minnesota Journal of Law & Inequality* Vol. 23 Iss. 1 (2005) at 169.



**FALLING
IN**

ALLEGHENY COUNTY CRIMINAL PUNISHMENT SYSTEM

The standard criminal process in Allegheny County is complex, disorienting, and violent. The lack of transparency and quality representation, along with the constant threat of jail time, make people with mental or intellectual disabilities particularly vulnerable.

CRIMINAL COURT

Most participants in the MHC enter the system through arrest by police – as discussed above, a process fraught with racism and dangerous discretion. Arrest in itself is highly traumatic. Researchers have found that arrest accounts for nearly half the association between negative impacts on mental health and involvement in the criminal punishment system.⁹ Being stopped by police is a strong predictor of PTSD, and may be more traumatic than exposure to violence from other civilians.¹⁰ Arrest, incarceration, trauma, and mental health conditions have a cyclical relationship, with each increasing the likelihood of the other.¹¹

These associations are only compounded by Allegheny County police's notoriety for excessive force. Since 2010, Allegheny County police have killed at least three county residents experiencing behavioral health crises – Jennifer Piccini, Gary Beto, and Bruce Kelley Jr.¹² Allegheny County police were sued 40 times in federal court for excessive force between 2009 and 2020.¹³

After arrest, participants must appear at a string of court dates: a preliminary arraignment, preliminary hearing, formal arraignment, plea negotiations, pretrial conferences, and any number of motions hearings.¹⁴

9. Naomi F. Sugie & Kristin Turney, *Beyond Incarceration: Criminal Justice Contact and Mental Health*, American Sociological Review Vol. 82 No. 4, 720, https://journals.sagepub.com/doi/pdf/10.1177/0003122417713188?casa_token=q5LQ1F2fKNwAAAAA:-Rz6tG_ftDH9UoOHNj-kiuWHgEgiXSLgwGXQm57_OJGVhWYeiVdeFn8WpvNmtPpO5iXA3KJf4kX2Rg

10. Marilyn W. Lewis & Liyun Wu, Exposure to Community Violence Versus Overpolicing and PTSD among African American University Students, *Journal of Human Behavior in the Social Environment*, Vol. 31 Iss. 8: 1026-1039 (2021), <https://doi.org/10.1080/10911359.2020.1838382>

11. Lena J. Jäggi, Briana Mezuk, Daphne C. Watkins, & James S. Jackson, The Relationship between Trauma, Arrest, and Incarceration History among Black Americans: Findings from the National Survey of American Life, *Soc. Ment. Health* Vol. 6 Iss. 3: 187-206 (Nov. 2016), <https://journals.sagepub.com/doi/10.1177/2156869316641730>

12. Rich Lord & Amanda Su, Resolved to change: Can Allegheny County behavioral crisis teams move fast enough to answer calls for reform?, Public Source, 2020, <https://www.publicsource.org/allegheny-county-behavioral-mental-health-resolve-crisis-services-upmc/>

13. Rich Lord, Police chase settlement pushes lawsuit payouts beyond \$12 million since 2009, Public Source, 2020 <https://www.publicsource.org/allegheny-county-pittsburgh-federal-court-use-of-force-police-lawsuit-payouts/>

14. "Criminal Procedure," Allegheny County District Attorney's Office, <http://alleghenycountyda.us/criminal-procedure/>

The Allegheny County Public Defender's Office is organized "horizontally" – meaning that participants do not have one attorney who works with them throughout the process, but rather has a different attorney for each step.¹⁵ This is disorienting and prevents meaningful relationship-building between attorney and client. It also means that participants often go for long periods of time effectively unrepresented, as public defenders are sometimes not assigned until shortly before participants' next court dates. If a defendant wishes for an attorney representing them to file a motion or advocate for them in the interim, they must pay for a private attorney. Horizontal structure is cheap in resources and time, something needed by many under-funded, under-staffed Pennsylvania public defenders. Pennsylvania is the *only state that does not provide state-level funding to public defense*, leaving the entire financial burden to cities and counties.¹⁶

This process is made all the more difficult when the defendant cannot return home to family and loved ones. If participants are not granted bail or cannot afford the bail set by the judge, they are detained in the Allegheny County Jail until their case is seen through to its conclusion.

A 2019 study of the Allegheny County criminal legal system found that participants with behavioral health system involvement were more likely to be incarcerated pre-trial than others, receiving monetary bail more often and charged higher dollar amounts.¹⁷

At least 78 participants observed by MHC Court Watchers spent time in the ACJ after arrest. One defendant had bail revoked; 14 had bail denied; and 63 were incarcerated for being unable to post bail. Defendants often stayed in the ACJ prior to MHC transfer for weeks at a time – one was incarcerated for 245 days.

The traditional criminal court system in Allegheny County is complex and time intensive. It can take months, if not years, to navigate pre-trial procedures before a sentence even gets handed down. While specialty courts are intended to address some of these issues, they have many of the same problems as traditional courts.

15. Rebecca Nuttal, "The Allegheny County Public Defender's Office is in Better Shape Than it Was Three Years Ago but 'A Lot Remains to be Done,'" *Pittsburgh City Paper*, June 24, 2015, <https://www.pghcitypaper.com/pittsburgh/the-allegheny-county-public-defenders-office-is-in-better-shape-than-it-was-three-years-ago-but-a-lot-remains-to-be-done/Content?oid=1835795&storyPage=2>

16. Christopher Welsh, Pennsylvania is the only state that doesn't fund public defenders, *Philadelphia Inquirer*, Oct. 11, 2021, <https://www.inquirer.com/opinion/commentary/public-defenders-funding-pennsylvania-20211011.html>

17. Mulvey and Schubert, Cross-System Evaluation at 41

SPECIALTY COURTS

Allegheny County has established several “specialty courts” designed for specific populations – the Mental Health Court, Drug Court, Veterans’ Court, Domestic Violence Court, PRIDE Court, DUI Court, and Sex Offender Court.

Allegheny County adopted the “Sequential Intercept Model” (SIM), a framework developed by the Substance Abuse and Mental Health Services Administration (SAMHSA), in 2006. The SIM is intended to “prevent initial involvement in the criminal system, connect individuals with necessary treatment, and decrease recidivism.”¹⁸

Specialty courts are an “Intercept 3” intervention, or a Jail/Court Diversion, which only “divert” after many of the criminal punishment processes with the most severe long-term consequences: “Intercept 1,” conflict with police, and “Intercept 2,” initial detention, incarceration, and processing through the criminal courts.¹⁹ The specialty courts implement reforms to shorten incarceration time or replace it with other mandatory programs, but fail to truly divert individuals from criminal punishment.

MENTAL HEALTH COURT

The Allegheny County Mental Health Court, established in 2001, is intended to divert participants with documented diagnoses of mental illness out of jail and into community-based treatment facilities. The MHC is plea-dependent and fails to spare participants from many of the worst consequences of involvement in the criminal system: the trauma of arrest, possible incarceration, and a guaranteed criminal record.

WHO ARE THE STAKEHOLDERS?

In 2018, the Center for Court Innovation (CCI), funded by the Bureau of Justice Statistics, released a report on the Allegheny County Mental Health Court.²⁰ The CCI report’s definition of the “stakeholders” in the Mental Health Court system is “the judge, dedicated public defender, probation and JRS representatives.”²¹ Not the person accused of a crime; not their caretakers, loved ones, or dependents; not survivors of violence or any other people concretely affected by the underlying actions.

18. *The Sequential Intercept Model: Advancing Community-based Solutions for Justice-Involved People With Mental and Substance Use Disorders*, Substance Abuse and Mental Health Services Administration (SAMHSA), <https://store.samhsa.gov/sites/default/files/d7/priv/pep19-sim-brochure.pdf>

19. Kimberley C. Falk & Stephanie Moravec, *An Analysis of Allegheny County Mental Health Court*, Allegheny County Department of Human Services, 2011, at 10, <https://www.alleghenycountyanalytics.us/wp-content/uploads/2015/12/An-Analysis-of-Allegheny-County-Mental-Health-Court.pdf>

20. Amanda B. Cissner, Ashmini Kerodal, & Karen Otis, “The Allegheny County Mental Health Court Evaluation: Process and Impact Findings,” Center for Court Innovation and Bureau of Justice Statistics, 2018, https://www.courtinnovation.org/sites/default/files/media/documents/2019-01/allegheny_county_mhc_evaluation.pdf

21. Cissner, Kerodal, & Otis, “The Allegheny County Mental Health Court,” p.v

The study did not quote a single participant in the Mental Health Court; rather, they discussed with the above “stakeholders,” praised “cross-agency collaboration,” and watched a “graduation ceremony.”²² When given the chance, Mental Health Court officials working with researchers failed to include, let alone center, the voices of impacted people.

This report centers stakeholders directly impacted by the MHC: the people in it. People in the Mental Health Court are in an extraordinarily precarious position. The stakes are highest for them.

MENTAL HEALTH COURT PROCESS

The Mental Health Court is ostensibly designed with the welfare of the defendant in mind – but as the CCI study shows, this is not the case in practice.

According to Allegheny County, the Mental Health Court is intended to “divert individuals with non-violent criminal charges who have a documented diagnosis of a mental illness” to a program of “treatment, housing, benefits, supervision, and community support services.” The MHC should “support public safety” and “maintain effective communication between the criminal justice system and mental health system.”²³ (Effective communication with participants goes unmentioned).

Defendants in the MHC can be released from jail into a mental health treatment facility in lieu of incarceration. They are subject to surveillance by both a “specialized” probation officer and an “MHC probation liaison.”²⁴

The CCI report found that participants had to appear for compliance monitoring hearings about twice a month. While the program has no participation length requirement, the report found the average participation length to be 785 days, or about two years and two months.

In order to graduate successfully, participants must:

- Complete a minimum of two-thirds of their probation sentence;
- Complete all recommended treatment;
- Refrain from drug and alcohol use; and
- Comply with all probation requirements.

These probation requirements can be extremely onerous, including exorbitant fines, fees, and restitution; no-contact orders; mandated employment; and various housing and “lifestyle” requirements to support “clean and sober living.”²⁵ Many participants are required to strictly adhere to medication regimens.

22. Cissner, Kerodal, & Otis, “The Allegheny County Mental Health Court,” p.vi

23. Allegheny County website, “JRS Mental Health Court,” <https://www.alleghenycounty.us/Human-Services/Programs-Services/Disabilities/Justice-Related/Mental-Health-Court.aspx>

24. Cissner, Kerodal, & Otis, “The Allegheny County Mental Health Court,” p. 17

25. Cissner, Kerodal, & Otis, “The Allegheny County Mental Health Court,” p. 18

ENTERING MENTAL HEALTH COURT

In order to be eligible for MHC, a defendant must have a documented diagnosis of a mental disorder, mental disability, or dual-diagnosis with a mental disorder and substance abuse.²⁶ The requirement of an official diagnosis prior to arrest is an initial barrier for those without the resources to access health care, or those who simply do not wish to participate in the psychiatric industrial complex.

Referrals to MHC can come from a variety of sources – judge; probation; defense counsel; the Allegheny County Jail; local service providers; even the defendant themselves or their family members. However, the District Attorney has the final say on MHC eligibility.²⁷

A referral for JRS Mental Health Court may be made by filling out the JRS Diversion County Support Mental Health Court Referral Form.²⁸ The form is one page long, containing one line of space for “diagnosis,” one for “medications,” and two lines for “additional comments.” The form’s design is incompatible with presenting a full, complex picture of the individual involved, their medical history, and their present needs.

The process between filling out a referral form and a first MHC hearing is opaque. No public report could be found which details how many referrals are made, what evaluations are conducted, or what, if any, further selection criteria are used.

Analyses of other mental health courts nationwide have raised questions of whether “individuals who are deemed ‘inappropriate’ [are] not admitted and only the ‘most likely to succeed’ are granted entry,” excluding presumably “difficult to treat” clients and skewing evaluative research results.²⁹ Some researchers refer to this selection bias as “creaming.”³⁰ There is also an ever-present risk of gender and race selection bias.³¹ While the actual practice of MHC selection in Allegheny County is difficult to track, criteria enumerated by the Allegheny County government reveal multiple threshold exclusions.

SHUT OUT OF MENTAL HEALTH COURT

Some individuals are unable to enter the MHC solely by nature of their charge. The court website’s stated criteria exclude anyone with an out-of-county or out-of-state detainer or with a conviction of assault while a prisoner, drug trafficking, DUI, homicide, sexual offenses, or theft by extortion with threats of violence.³²

The exclusion of participants with these convictions means that many people with the most severe mental and behavioral health issues will go to jail rather than treatment, worsening their symptoms and endangering themselves and others. This selection mechanism functions as the “creaming” criticized by multiple researchers, which excludes many with the most serious mental health needs and skews evaluative research.³³

26. Allegheny County website, “JRS Mental Health Court,” <https://www.alleghenycounty.us/Human-Services/Programs-Services/Disabilities/Justice-Related/Mental-Health-Court.aspx>

27. Falk and Moravac, *An Analysis* at 12

28. Downloadable .pdf of Mental Health Court Referral Form: <https://www.alleghenycounty.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=2147492143>

29. Christine M. Sarteschi, Michael G. Vaughn & Kevin Kim, *Assessing the effectiveness of mental health courts: A quantitative review*, Journal of Criminal Justice Vol. 39 Iss. 1 (2011).

30. Shelli B. Rossman, Janeen Buck Wilson, Kamala Mallik-Kane, KiDeuk Kim, Sara Debus-Sherrill, & P. Mitchell Downey, *Criminal Justice Interventions for Offenders with Mental Illness: Evaluation of Mental Health Courts in Bronx and Brooklyn, New York: Final Report*, National Institute of Justice (2012), p.15,

https://www.courtinnovation.org/sites/default/files/documents/Criminal_Justice_Interventions.pdf

31. Rossman et al., *Criminal Justice Interventions* at 15.

32. Allegheny County website, “JRS Mental Health Court,” <https://www.alleghenycounty.us/Human-Services/Programs-Services/Disabilities/Justice-Related/Mental-Health-Court.aspx>

33. Rossman et al., *Criminal Justice Interventions* at 15; Sarteschi et al., *Assessing the effectiveness*.



THE CYCLE

THE CYCLE

When participants make progress, Judge Lazzara may release them from a halfway house and send them home. When they revert to their old ways, she may send them back to jail, as she did Rashad Moore in June for acting out at a group home.

'I'm trying to get my life together,' Mr. Moore told the judge. She didn't buy it.³⁴

Pittsburgh Post-Gazette, 2013

Many people in the Mental Health Court system experience a cycle of court, treatment institutions, out on practically unfulfillable conditions of supervision, court, perhaps jail, more treatment institutions, rinse and repeat until "rehabilitated."

At every step in the MHC cycle, people are at risk of being incarcerated.

OUT: Defendants in the MHC are given very difficult probation terms, with intensive surveillance, mandated sobriety (regardless of diagnosis), housing/job requirements, and more.



TREATMENT FACILITIES: The MHC assigns people to a range of private and semi-private treatment facilities with little to no transparency about placement protocol or conditions.



ARREST: People with mental illnesses are disproportionately likely to be arrested. Confrontations with police are frightening and traumatic, further damaging mental health.



COURT: Lazzara's MHC Courtroom can seem more humane than others, but it is both infantilizing and dangerous, oriented around the threat of jail.

BETH LAZZARRA'S COURTROOM

UPON ENTERING THE ROOM, **ONE IS IMMEDIATELY FACED WITH A STRANGE, CHILDISH ARRAY OF YODA-THEMED STAR WARS PLUSHIES.** THE TOYS IMPLY THAT THIS IS A ROOM THAT PROVIDES SAFETY AND COMFORT FOR CHILDREN. INSTEAD, **THIS IS A PLACE WHERE ADULTS FACE JUDGE LAZZARA.**

WHEN IN HER COURT, ONE GETS THE FEELING THAT THEY ARE VISITING THEIR HIGH SCHOOL GUIDANCE COUNSELOR'S OFFICE. **HER CONSTANT PRAISE VERGES ON DEMEANING;** COUPLED WITH AWARD CERTIFICATES AND "COURAGE BRACELETS," IT CREATES AN ATMOSPHERE NOT THAT DIFFERENT FROM A SCIENCE FAIR. THIS IS ALL TO SAY THAT **THE PEOPLE WALKING INTO THAT COURTROOM TO SEEK HELP SEEM TO BE SEEN AND TREATED AS CHILDREN.**

OBSERVATION OF COURT WATCHER VIVIAN KINTER, SEPTEMBER 26, 2022

Beth Lazzara was a managing shareholder at the personal injury law firm Goodrich, Goodrich & Lazzara until 2005,³⁵ when she was elected as a judge to the Allegheny County Court of Common Pleas.³⁶ Judge Lazzara has presided over the Mental Health Court since 2012.³⁷ By all publicly available accounts, Lazzara does not have degrees or job experience in psychiatry, psychology, medicine, or any related fields.

Hearings in Lazzara's Mental Health Courtroom are generally short, with roughly half taking between 5 and 10 minutes, roughly one-third taking between 2 and 5 minutes, and just over one-tenth taking over 10 minutes. See endnote 1 for the method used to calculate these numbers.

Lazzara has implemented a bracelet-based incentive system with four successive tiers: hope, patience, courage, and strength. The precise contours of the bracelet system are unknown, but they roughly correspond to progress in treatment from inpatient care to independent living. The bracelet system exists alongside other creative award schemes:

- The "Yoda do-or-do-not" award, given for completion of a treatment program;
- The "Gold Squad Award," given for consistent good reviews from the entire team; and
- The "Han Solo turn-it-around award," given for the kind of personal improvement that Han demonstrated by swapping greed for friendship during his character arc in the first two Star Wars films.

JUDGE LAZZARA CAN BE INFANTILIZING:

LAZZARA SANG HAPPY BIRTHDAY FOR HIM AND ASKED THE COURT TO SING ALONG AND CLAP, BUT THEN TOLD HIM THAT HE WASN'T GOING TO BE RELEASED RIGHT AWAY BECAUSE OF STAFF TRAINING ISSUES.

MENTAL HEALTH COURT WATCHER OBSERVATION NOVEMBER 15, 2021

AFTER THE REVIEW, SHE AND THE ADA AND POS JOKE ABOUT MAKING ALL THE DEFENDANTS PINKY SWEAR NOT TO DO DRUGS AND HAVE THEM SIGN A "PINKY SWEAR CONTRACT."

MENTAL HEALTH COURT WATCHER OBSERVATION JULY 18, 2022

35. Beth Lazzara's LinkedIn: <https://www.linkedin.com/in/beth-lazzara-8491a66/>

36. Beth Lazzara's page on Ballotpedia, a publicly available tracker of elected officials: https://ballotpedia.org/Beth_A._Lazzara

37. Official Newsletter of the Pennsylvania Judicial System, 2022, Administrative Office of Pennsylvania Courts, <https://www.pacourts.us/Storage/media/pdfs/20220223/201445-aopconnectedissue1,2022.pdf>

[THE DEFENDANT] SAYS HE KNOWS HE HAS MENTAL PROBLEMS AND NEEDS PATIENCE. HE SAYS THAT HE WAS “**CHILDLIKE**” AND “**PETTY**” IN HIS INTERACTIONS (TERMS THAT LAZZARA PICKS UP ON AND SAYS BACK TO HIM).

MENTAL HEALTH COURT WATCHER OBSERVATION SEPTEMBER 26, 2022

THE FIRST THING LAZZARA SAID WAS “**GREENBRIAR WANTS YOUR BODY**” AND EVERYONE LAUGHED. MR. WHITMAN RESPONDED “GOOD, I WANT THEM TO HAVE MY BODY.”

LAZZARA SAID AFTER HE LEFT THAT SHE ALWAYS GIVES “BIG HUGS” TO HIM BECAUSE HE DOESN'T LIKE THEM. **SHE FOUND AN “AIR HUGS” SHIRT AT TARGET TO WEAR DURING REVIEW HEARINGS.**

MENTAL HEALTH COURT WATCHER OBSERVATION NOVEMBER 15, 2021

SHE CAN ALSO BE PLAINLY CRUEL:

HE SAID THAT “PRESSURE MAKES ME DO THINGS THAT I DON'T NORMALLY DO” AND THAT HE WAS TRYING “TO DO THE BEST I CAN.”

AND YET **THE JUDGE ASSURED HIM THAT HE DOES NORMALLY DO THESE THINGS, THAT THIS IS THE KIND OF PERSON THAT HE IS, AND THAT HE WILL NOW DO HIS THIRD STINT IN THE STATE PRISON SYSTEM.**

MENTAL HEALTH COURT WATCHER OBSERVATION APRIL 24, 2021

THE RESPONSE TO HIM TEARFULLY EXPLAINING ALL OF THIS WAS THE **JUDGE LOUDLY TAKING A PHONE CALL WHILE HE WAS TALKING...**

AFTER THE JUDGE GETS OFF THE CALL, SHE SAYS “**YOU'RE NEVER GOING TO MOVE FORWARD IF YOU'RE NOT LISTENING TO PEOPLE.** THE GOOD LORD GAVE YOU TWO EARS AND ONE MOUTH AND THAT'S SO YOU CAN LISTEN TWICE AS MUCH AS YOU TALK.”

MENTAL HEALTH COURT WATCHER OBSERVATION MAY 18, 2021

LAZZARA SAYS “FIND A BUS, UBER, BICYCLE” TO GET TO WORK. SHE MIMICS HIM: “I’M GOING TO HAVE A SOB STORY BECAUSE I’M LOW ON DIAPERS AND THEY’RE GOING TO LET ME OUT OF JAIL FOR IT.”

MENTAL HEALTH COURT WATCHER OBSERVATION JUNE 21, 2022

JUDGE SAID THAT SHE COULD PUT HIM IN JAIL TODAY AND HE WOULD LOSE HIS HOUSING SO THAT “YOU KNOW WHAT POSITION YOU’RE IN.” SHE SAID SHE DIDN’T KNOW WHY THEY GAVE HIM TIME PRIOR TO HIS COURT APPEARANCE TO “CONCOCT HIS STORY” AND CALLED HIS ACCOUNT A “FAIRY TALE.” ...

[SHE SAID] THAT HER “BLACK ROBE GIVES HER THE RIGHT TO SPEAK AND HE NEEDS TO BE SILENT.”

MENTAL HEALTH COURT WATCHER OBSERVATION SEPTEMBER 20, 2021

DECISION MAKERS AND “STAKEHOLDERS”

While probation and JRS officers were both present in over 85% of hearings, defense counsel was recorded as appearing in less than half. MHC participants do not have consistent representation by advocates working in their best interests.

INDIVIDUAL PRESENT	NUMBER	PERCENT
Defendant	162	91.5%
JRS (Justice Related Services)	153	86.4%
Probation officer	148	83.6%
Case worker/social worker/from program	111	62.7%
Defense counsel	84	47.4%
Prosecutor	82	46.3%
Hearings where Individuals Present Were Recorded ³⁸	177	

Compounding this issue, one court watcher noted:

P.D.s in mental health court often don't intervene when their clients say something obviously incriminating. In 95% of the cases I've watched, they don't speak at all.

Mental Health Court Watcher Observation May 18, 2021

38. Dataset filtered so as to exclude all multiple counts of the same defendant on the same day and hearings where court watchers did not make entries regarding individuals present.

When participants reach out to defense lawyers independently, it has been used against them:

The Probation Officer says that [the defendant is] not honest and that he reached out to a defense lawyer to see what he should do instead of reaching out to the PO ... [defense counsel] says that if he doesn't grab the life preserver, they can't help him. ADA says that it's his job to be honest and that if this continues, he'll be incarcerated for a "long, long period of time."

Mental Health Court Watcher Observation June 21, 2022

While JRS officials and probation officers in the Mental Health Court are ostensibly trained to work with populations with mental illnesses, they are anything but advocates for participants.

Lazzara is very frustrated and short with [the defendant]. The Probation Officer was on the side laughing and shaking her head out of view of the camera.

Mental Health Court Watcher Observation October 3, 2022

She says that the victim is still trying to establish contact with [the defendant] and JRS inappropriately jokes that it "seems like he wants contact but not the contact she wants.". They speculate about where he was stabbed for a while and talk about different kinds of stab wounds.

Mental Health Court Watcher Observation October 3, 2022

DOCKET DEMOGRAPHICS³⁹

The criminal dockets provide certain types of demographic information, tracking race, age, and sex (which conflicts with MHC participant gender). Docket statistics provide a flawed, bird's eye snapshot of defendant identities. The Court Watch observations reveal richer complexity in the intersections between identity, mental health, and criminalization.

OFFICIAL RACE	OFFICIAL SEX	COUNT	% OF OBSERVED	AVERAGE AGE
Black	Female	10	9.3%	30.2
White	Female	8	7.4%	43.0

39. Of 153 unique participants observed in the Mental Health Court, 107 had recorded docket numbers that could be merged with demographic information.

OFFICIAL RACE	OFFICIAL SEX	COUNT	% OF OBSERVED	AVERAGE AGE
Black	Male	53	49.5%	32.7
White	Male	36	33.6%	33.8

When dockets track demographics, they provide information for race, age, and date of birth. The dockets reported only the races “black” and “white” for the MHC participants, erasing any Latine, Arab, Asian, mixed-race, and all other racial and ethnic identifiers. Sex reports only “female” and “male,” erasing the non-binary and mis-categorizing at least two transgender people in the Mental Health Court. For docket demographic analysis, I use the words “male” and “female” to reflect the oversimplified docket identification rather than lived identity.

As with other parts of the Allegheny County criminal punishment system, the participants caught in the Mental Health Court cycle are disproportionately Black and disproportionately male with a roughly 6:4 split of Black to white people (58.9% Black overall).

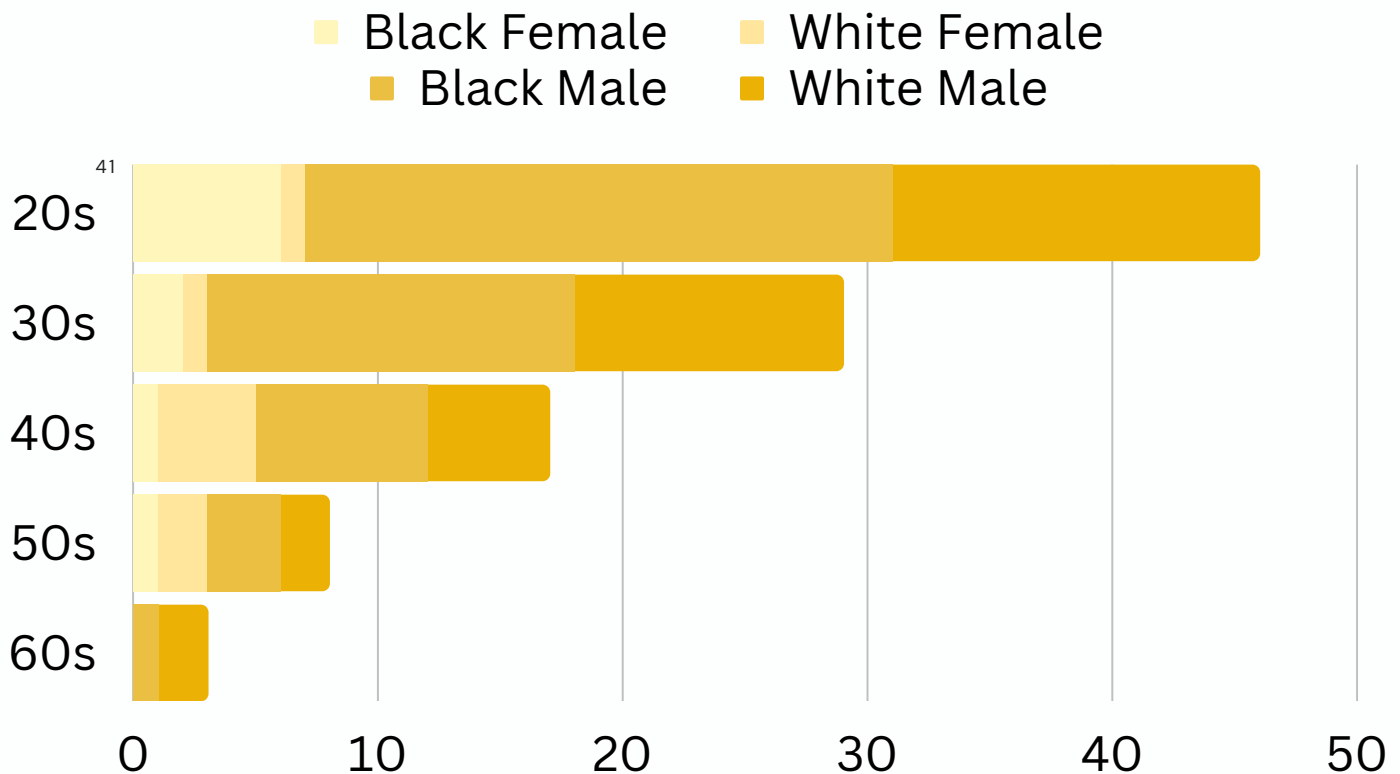
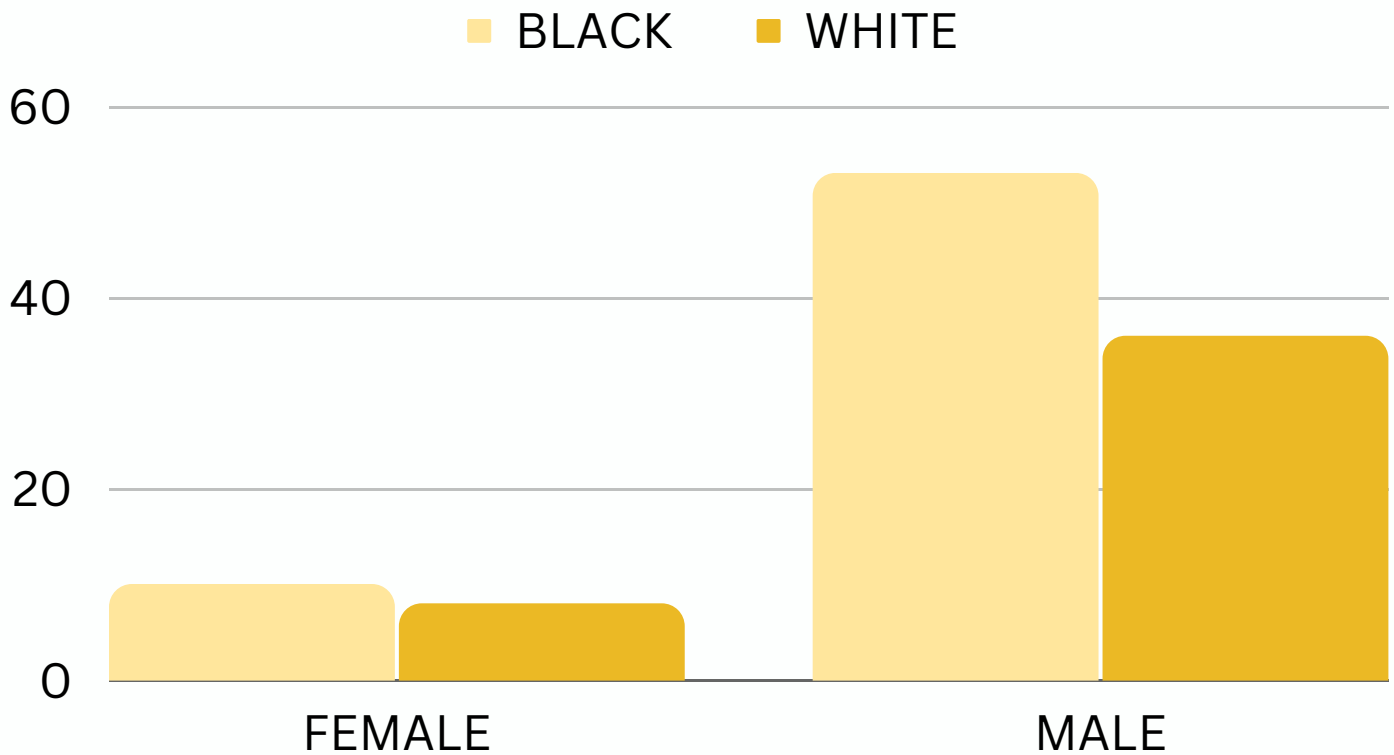
The Allegheny County Jail’s Population Dashboard reports that the jail population since January of 2021 has averaged out at **66% Black**, which makes the Mental Health Court comparatively **under-representative** of Black people forcefully detained in Allegheny County.

40

The representation of Black participants is clearest for males and younger people in their 20s and 30s.

40. https://tableau.alleghenycounty.us/t/PublicSite/views/AC_JailPopulationManagement_Final/JailPopulationOverview?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no

RACE AND GENDER BREAKDOWN OF MHC DEFENDANTS



28 41. Age is calculated through the time difference from date of offense and date of birth. In cases where date of offense was not available from the docket, participants are excluded from the table 'Race and Age Breakdown of MHC Defendants, by Official Sex.'

Both official sexes roughly correspond to the Black-white ratio of 6:4. There is a noticeable disparity in average age for Black and white females. Black women have the youngest average age, at just over 30, while white females were older, with an average age of 43. Black males are consistently overrepresented at every age group except those in their 60s. That said, these numbers are likely too small to take them as representative of the whole Mental Health Court population.

DISCRIMINATION AND DEGRADATION IN MENTAL HEALTH COURT

While the docket's demographic information provides some information, the meaning of these different experiences only emerges from direct observation. This is emphatically not a recommendation that the state further track, surveil, and categorize the identities of participants. Rather, any true process of justice must consider the complex, multiple experiences of the people involved and, if possible, center individuals' own perspectives on themselves.

The egregious incarceration of the young Black man described in section 'The Criminalization of Mental Illness' demonstrates the racist discrimination inherent to relying on police as a front line response. Once in the MHC courtroom, Black participants and members of other minority groups are regularly treated with disrespect.

ONE OLDER BLACK MAN WAS MOCKED BY THE MHC:

AFTER THE HEARING, JRS COUNSELOR JASON COMFORT COMPARES [THE DEFENDANT, A BLACK MAN IN HIS 60S] TO THE YOUNG WHITE MAN AFTER HIM. HE SAYS "WOW, THE DIFFERENCE BETWEEN THIS GUY AND [THE OTHER.]"

THEY [JRS AND JUDGE LAZZARA] THEN JOKE ABOUT HOW LONG [HE] HAS BEEN IN THE SYSTEM AND THE PROBATION OFFICER READS OUT ALL THE YEARS HE'S BEEN IN JAIL. "140 TIMES HE'S BEEN IN ACJ SINCE 1989." THEY JOKE THAT HE'S 63 AND THAT'S WHY HIS PROGRESS IS SO SLOW.

MENTAL HEALTH COURT WATCHER OBSERVATION SEPTEMBER 26, 2022

AFTER THE YOUNG WHITE MAN'S HEARING, THE MHC RETURNED TO DISCUSSING THIS DEFENDANT:

AFTER TALKING ABOUT THE “DIFFERENCE” BETWEEN THESE TWO DEFENDANTS, THEY TALK ABOUT [THE FIRST] STEALING MEAT FROM FIRST STEP. THEY TALK ABOUT FINDING A FRIDGE FULL OF MAGGOTS IN IT IN HIS APARTMENT.

LAZZARA COMPARES IT WITH A CASE SHE WORKED WHERE DCF DIDN'T CHECK ON A KID AND THE KID WAS MUMMIFIED; THEY DATED THE DEATH FROM THE LIFE CYCLE OF THE FLIES. **THIS COMPARISON WAS VERY DISTURBING AND PART OF A CYCLE OF TALKING DOWN AND MAKING UNFAVORABLE COMPARISONS.**

MENTAL HEALTH COURT WATCHER OBSERVATION SEPTEMBER 26, 2022

THE PREVIOUS MONTH, A COURT WATCHER HAD FLAGGED THE SAME JRS COUNSELOR’S BEHAVIOR:

BETWEEN CASES, LAZZARA ASKS “CAN WE PUSH TO GET HER OUT OF JAIL?”

JASON COMFORT INITIALLY ASSUMES SHE MEANS [THE PREVIOUS DEFENDANT], A BLOND, WHITE WOMAN, AND ACTS VERY ENTHUSIASTIC ABOUT IT, BUT LAZZARA CLARIFIES THAT SHE MEANS THE NEXT WOMAN, A BLACK WOMAN.

COMFORT'S TONE AND ENTHUSIASM VERY OBVIOUSLY CHANGES, AND HE ACTS SKEPTICAL AND RELUCTANT. IT WAS SO OBVIOUS THAT I NOTICED WHEN I WAS TRYING TO MAKE UP MY NOTES ON THE CASE IN BETWEEN CASES.

MENTAL HEALTH COURT WATCHER OBSERVATION AUGUST 22, 2022

ANOTHER COURT WATCHER NOTED A “MARKED CONTRAST” IN JUDGE LAZZARA’S TREATMENT OF A PREGNANT BLACK WOMAN AND “TWO WHITE MEN WHO CAME AFTER HER,” WHO “HAD ALSO RELAPSED IN MULTIPLE PROGRAMS BUT WERE TOLD THEY WERE ‘SMART’ AND HAD ‘PROMISE:’”

THE DEFENDANT WAS SEVEN MONTHS PREGNANT AND CRYING BECAUSE SHE COULDN'T BE THERE FOR HER CHILDREN. SHE HAD TWO OTHER CHILDREN. SHE WAS BEGGING TO BE GIVEN A SECOND CHANCE. THE JUDGE SAID THAT SHE WASN'T TRUSTWORTHY BECAUSE “WE’VE HAD THAT DISCUSSION WITH YOU MULTIPLE TIMES AND YOU SAID YOU WEREN'T INTERESTED [IN PROGRAMS].”

THE DEFENDANT SAID THAT SHE WAS INTERESTED NOW, BUT THE JUDGE SAID THAT SHE “WOULDN'T ADMIT SHE NEEDED HELP IN THE PAST.” THERE WAS A LACK OF INTEREST IN UNDERSTANDING THAT SHE WAS NOT CLAIMING THAT SHE DIDN'T NEED HELP NOW, AND THAT SHE WAS ACTUALLY DESPERATE FOR HELP. THE JUDGE ALSO SHAMED HER FOR HURTING HER UNBORN CHILD AND SAYING THAT SHE WAS “SENTENCING THAT CHILD TO A LIFETIME OF MISERY.”

AFTER SHE LEFT THE CALL, THE JUDGE ASKED, “IS THAT HER THIRD CHILD?” THE RESPONSE WAS “YES – HER MOTHER WON'T TAKE ADDITIONAL CHILDREN,” TO WHICH THE JUDGE SAID “SO SAD.”

MENTAL HEALTH COURT WATCHER OBSERVATION MAY 18, 2021

Scholars of criminalization and marginalization such as Dorothy Roberts have documented an extensive pattern in American courts of punishing Black mothers more harshly than other people.⁴² Criminal punishment and family policing (often euphemistically labeled ‘child protection’ or ‘child welfare services’) break up Black, brown, and poor families at an alarming rate with devastating effects on themselves and their communities.

A year later, this young mother was revoked from the MHC and incarcerated for 4–8 months with 2 years of probation *in order to qualify for housing*: “Prior to [her] entering court, Lazzara talked about how upset she was about one of the cases being reduced from a felony to a misdemeanor since ‘she needs to do four months to qualify for housing support and get set up.’”⁴³

42. Dorothy Roberts, *Torn Apart: How the Child Welfare System Destroys Black Families – and How Abolition Can Build a Safer World*, New York: Basic Books, 2022; Dorothy Roberts, “Prison, Foster Care, and the Systemic Punishment of Black Mothers,” 59 UCLA L. REV. 1474 (2012), <https://www.uclalawreview.org/pdf/59-6-2.pdf>; Dorothy Roberts, “Motherhood and Crime,” Penn Law Legal Scholarship Repository, 1993, https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1853&context=faculty_scholarship.

43. Mental Health Court Watcher Observation June 21, 2022

An unknown number of MHC participants are queer, which also impacts their experiences. Court Watchers observed at least three transgender women in the MHC, all deadnamed and misgendered by the docket.⁴⁴ While Judge Lazzara was vocally supportive of one defendant's transition, the court watcher noted that "multiple staff members," including her Probation Officer, used her dead name and misgendered her, "even when corrected by the judge."⁴⁵

ANOTHER DEFENDANT ATTEMPTING TO EXPRESS DIFFICULTIES IN TREATMENT FACILITIES RELATED TO HIS SEXUALITY WAS TREATED DISMISSIVELY:

THEY SAID THEY JUST WANTED HIM TO MOVE THROUGH THE PROGRAM AND "GO IN WITH A POSITIVE ATTITUDE AND IT'S GOING TO RESULT IN POSITIVE CHANGE." HE WAS GIVING THEM VERY CONCRETE REQUESTS RELATED TO EXPERIENCING QUEERPHOBIA IN PREVIOUS HALFWAY HOUSES (WORDED DELICATELY AS "THE COMBINATION OF TRAUMAS CONNECTED TO HIS SEXUAL ORIENTATION AND THE COMMUNITY NOT BEING OPEN TO HEARING THEM").

THE DEFENDANT SAID THAT HE HAD HAD TROUBLE IN THE PAST WITH MENTAL HEALTH ASSISTANCE IN GROUP SETTINGS DUE TO HIS SEXUALITY AND WAS CONCERNED ABOUT THE HALFWAY HOUSE FOR THIS REASON. HE SAID THAT HE "DIDN'T WANT TO BELABOR THE ISSUE" BUT BROUGHT IT UP TWICE AS THEY WERE DISCUSSING ON THEIR OWN. THEIR RESPONSE TO HIM WAS VERY CONDESCENDING.

LAZZARA SAID SOMETHING OFFHAND TO OTHERS ON THE SCREEN AFTER HE LEFT, BUT IT WAS SORT OF UNDER HER BREATH AND I COULDN'T HEAR WHAT IT WAS. AT THE END OF THE DAY, SHE SAID "THAT SEEMED PAINFUL TODAY. I DON'T UNDERSTAND WHY PEOPLE AREN'T EXCITED ABOUT GETTING SOME HELP."

MENTAL HEALTH COURT WATCHER OBSERVATION MAY 18, 2021

Defendants also come from different religions and faiths; as demonstrated in the 'Facilities' section, MHC officials send participants to faith-based institutions with little regard for their preferences.

44. When a transgender person takes on a new name as part of their transition, use of their previous name is called "deadnaming" and considered disrespectful by many in the trans community. Misgendering refers to use of incorrect gendered language.

45. Mental Health Court Watcher Observation June 6, 2022

CHARGES

TERM	MHC		Other		RATIO OF PROPORTIONS	P-VALUE
	OBSERVED	% OF OBSERVED HEARINGS	OBSERVED	% OF OBSERVED HEARINGS		
Failure to comply	17	6.54%	16	1.43%	4.54	0.01
Escape / leaving facility	23	8.85%	23	2.06%	4.28	0.01
Threats / intimidation	25	9.62%	64	5.73%	1.67	0.03
Mischief	7	2.69%	19	1.70%	1.58	0.43
Theft	36	13.85%	144	12.90%	1.07	0.78
Trespass	8	3.08%	33	2.96%	1.04	1.00
<i>Harassment</i>	6	2.31%	50	4.48%	0.51	0.15
<i>Various drug charges</i>	26	9.23%	218	19.53%	0.51	0.01
<i>Assault</i>	24	9.23%	223	19.98%	0.46	0.01
<i>Disorderly conduct</i>	5	4.23%	90	8.06%	0.24	0.01
<i>Reckless endangerment</i>	4	1.92%	81	7.26%	0.21	0.01
<i>DUI</i>	7	1.54%	143	12.81%	0.21	0.01
<i>Indecent exposure</i>	1	0.38%	20	1.79%	0.21	0.16
<i>Weapons charges</i>	5	1.92%	101	9.05%	0.21	0.01
Count of unique defendant-charge observations	260		1204			

Unitalicized charges are disproportionately high in MHC; italicized are disproportionately low in MHC.
 See endnote 2 for the method used to produce this table.

CRIMINALIZING MENTAL ILLNESS IN THE MHC

The charges levied against participants in the MHC reflect the contested line between crime and symptom. Rather than being viewed as an expression of underlying conditions deserving of care, behaviors from aggression to drug use are treated as crimes meriting punishment.

MHC participants are over four times as likely as those in other observed courts to be charged with failure to comply with terms of probation or escape from a facility. Defendants who leave treatment programs, even for good reason, can be charged with so-called “escape.” Reasons that participants choose to leave treatment programs can include sexual or physical harassment, rampant drug use within the facility, being kicked out by staff due to behavior stemming from their diagnoses, or finding the program unhelpful or counterproductive. Sometimes simple misunderstandings about when the defendant plans to return can lead to “escape” charges, which can then be a barrier to future placement in a treatment program.

Of the 17 MHC participants charged with failure to comply, two were charged with failure to pay fines; five were charged with failure to contact or meet with probation/JRS/case workers; and ten were charged with both failure to contact and failure to comply with mandated treatment.

MHC participants are over one and a half times as likely as others to be charged with threats or intimidation. The statutory definition of terroristic threats in Pennsylvania includes not only “intent to terrorize another” but “caus[ing] serious public inconvenience” with “reckless⁴⁶ disregard.” These charges and resulting pleas are levied prior to entering the MHC, with a uniform definition of recklessness applied to all participants.

Aggression is a common symptom of several mental illnesses. Psychiatric conditions known to result in aggression include PTSD, depression, Alzheimer’s, schizophrenia, post-concussion syndrome, OCD,⁴⁷ ADHD, oppositional defiant disorder, Tourette’s, bipolar disorder, developmental disorders, and some personality disorders,⁴⁸ dementia, substance use, and psychotic disorders.⁴⁹ Physical conditions such as epilepsy and endocrinological diseases (diabetes, hyperthyroidism, etc.) can also prompt aggressive behavior.⁵⁰ While the diagnoses of individuals in the MHC are not available to outside observers, it is safe to assume that these significant disproportionalities in charging are related to participants’ mental conditions.

Much as with drug use and failure to comply with terms of release, the MHC treats aggression as a crime rather than a symptom of an underlying condition. One defendant charged with terroristic threats later received a negative review in part for being “disrespectful to JRS and probation.”⁵¹ Another defendant charged with terroristic threats and disorderly conduct had a negative review

46. Pa.C.S. Title 18 §2706(a)

47. Jesse Passman & Jeffrey M. Rothschild, *The Causes of Aggression*, Buoy Health (April 20, 2022)

48. Attila Turgay, *Aggression and Disruptive Behavior Disorders in Children and Adolescents*, Expert Rev. Neurother. Vol. 4 Iss. 4 (July 2004).

49. Scott D. Lane, Kimberly L. Kjome, & F. Gerard Moeller, *Neuropsychiatry of Aggression*, Neurol. Clin. Vol. 29 Iss. 1 (Feb. 2011).

50. Turgay, *Aggression and Disruptive Behavior*

51. Mental Health Court Watcher Observation June 14, 2021

for being “verbally aggressive to a staff member” at a facility.⁵² Another received a negative review for “being aggressive to other residents” of facilities.⁵³

Some participants expressed in court that their criminal charges were related to their struggles with mental health.

“Pressure makes me do things that I don't normally do ... I'm trying to do the best I can.”
Mental Health Court Watcher Observation April 24, 2021

[The defendant] says it's hard for him to calm down when angry. He says that he knows he doesn't have control over what happens to him...

He says that he would like an outside therapist to work more on the mental health side rather than only addiction support.

Mental Health Court Watcher Observation September 26, 2022

As further discussed in the Substance Use Disorder section, this prioritization of substance use treatment over concern with underlying mental health issues is a common problem for participants in the MHC.

52. Mental Health Court Watcher Observation May 10, 2021

53. Mental Health Court Watcher Observation September 26, 2022

CRIMINALIZING RELAPSE

Criminalization of drug use is already a major factor driving those with mental illnesses into jail and prison. In the Mental Health Court, sobriety is nearly uniformly a term of release on probation or parole – so any relapses mean participants get sucked back into the cycle of institutionalization.

TODAY, THE COURT WAS FACED WITH A MAN WHO WAS SUFFERING AND STRUGGLING AND HAD FALLEN INTO A RELAPSE. LAZZARA STARTED THE CONVERSATION WITH HIM BY TALKING ABOUT HOW DISAPPOINTED SHE WAS WITH HIM BEFORE HAVING HIM SWORN IN.

MENTAL HEALTH COURT WATCHER OBSERVATION SEPTEMBER 26, 2022

IN ANOTHER CASE, THE DEFENDANT WAS PUT INTO A FACILITY AFTER HIS FIRST RELAPSE IN TWO YEARS:

DEFENDANT ASKED WHEN THE CASE WOULD BE CLOSED BECAUSE
HE HAD ONLY RELAPSED ONCE IN TWO YEARS...

I WAS UNCLEAR WHAT THE VIOLATION WAS THAT PUT HIM IN JAIL
OTHER THAN JUST THE RELAPSE. THEY WERE TALKING ABOUT
TRANSFERRING HIM TO GREENBRIAR AND THEN A HALFWAY HOUSE.

HE WAS ASKING WHEN HE WAS GOING TO BE ABLE TO GO HOME
SINCE HE'S THE PRIMARY BREADWINNER IN HIS HOUSEHOLD."

MENTAL HEALTH COURT WATCHER OBSERVATION MAY 18, 2021

ANOTHER DEFENDANT EXPERIENCED A NEAR-OVERDOSE AND WAS
CHARGED WITH A DRUG COUNT:

THEY HAD TO CALL 911 BECAUSE HE ALMOST ALLEGEDLY OVERDOSED
ON A MEDICATION THAT HE TOOK MORE OF THAN HE WAS
PRESCRIBED. THE DEFENDANT'S CHARGES WERE DRUGS AND
REPEATEDLY FAILING TO COMPLY WITH THE COURT ORDERS.
LAZZARA GAVE HIM "LAST CHANCE WARNINGS" AND TOLD HIM THE
"GAME IS GETTING TOWARD THE END IF HE DOESN'T CHANGE."

MENTAL HEALTH COURT WATCHER OBSERVATION MARCH 29, 2021

LAZZARA CAN BE MORE UNDERSTANDING TO DEFENDANTS, BUT
EVEN IN BEST-CASE SCENARIOS TREATMENT OPPORTUNITIES ARE
SCARCE:

LAZZARA SAID "WE DON'T LOOK KINDLY ON RELAPSES BUT THEY'RE
PART OF RECOVERY. YOU HAVE TO LEARN FROM THEM." SHE DID
ENTER REFERRALS FOR TWO TREATMENT FACILITIES BUT INFORMED
THE DEFENDANT THAT IT WOULD TAKE A FEW WEEKS FOR THEM TO
BE PROCESSED.

MENTAL HEALTH COURT WATCHER OBSERVATION SEPTEMBER 26, 2022

FORCED MEDICATION, OR CHEMICAL INCARCERATION

Many participants in the MHC are required to follow strict medication regimens, and failure to comply prompts negative reviews or incarceration. At least 59 MHC participants observed by ALC Court Watchers have mandatory compliance with court-ordered medication policies listed on their dockets. Disability advocate Erick Fabris terms the long-term imposition of psychotropic drugs “chemical incarceration.”

[I]mposed drug treatment acts on the brain to limit the body as any restraint does, and over time as any prison does.

...

While tranquilized by neuroleptics,⁵⁴ most bodies are susceptible to fatigue, emotional numbing, cognitive restriction, and suggestibility that make them quite manageable. This renders them less able to ‘refuse treatment...’

When such methods are imposed over time, I call this a chemical incarceration. Restraint by chemical means is not just a metaphoric ailing of the ‘self’ or the ‘mind’ (as ‘mental illness’ is sometimes said to be), but a bodily seizure through use of the central nervous system.⁵⁵

While some participants reported feeling better while taking medications, others discussed problems with inefficacy or unwanted side effects. By imposing mandatory medications and punishing noncompliance, the MHC uses drugs as one of many carceral tools to coerce participants into changing their behavior.

DISRUPTIONS AND CHANGES

Even in a best-case scenario, where a defendant is following a medication regimen that they feel improves their quality of life, the MHC is likely to cause significant disruptions, interruptions, and changes.

MHC officials without medical licenses or qualifications have control over participants’ medications to the extent that they are able to override the recommendations of trained medical professionals. One defendant told Lazzara that his doctor had prescribed him lithium; Lazzara responded that changes could not conflict with his other medications and he would have to check with his probation officer.⁵⁶ Another defendant received a negative review for seeking suboxone, a medication used to treat opioid addiction, without court approval.⁵⁷

54. Commonly prescribed antipsychotic medications such as Abilify, Clozapine, Zyprexa, Haldol, Haloperidol, Risperdal, etc

55. Erick Fabris, *Tranquil Prisons: Chemical Incarceration Under Community Treatment Orders*, Toronto: University of Toronto Press, 2011. Chapter 6: “Bioincarceration,” pages 114-131.

56. Mental Health Court Watch Observation, October 3, 2022

57. Mental Health Court Watch Observation, May 18, 2021

Treatment facilities and the ACJ have policies that disrupt and change medication regimens with dubious medical oversight. Some treatment facilities refuse patients on suboxone.⁵⁸ One defendant with a prescription for Neurontin, a non-opioid pain reliever, was told that the medication was causing “difficulty with placing her ... rehabs don’t take people on [Neurontin].”⁵⁹ MHC officials discussed finding a substitute medication or “just keeping her on a high dose of Tylenol while she’s in there, which is something that she said she has done in the past while in rehab facilities.” The defendant also mentioned having a liver condition. Tylenol is known to cause severe liver damage, especially in high doses.⁶⁰

Medication administration in the Allegheny County Jail is dismal for participants attempting to comply with medication regimens. Defendants in the ACJ regularly have their medications swapped, or even denied:

[The defendant] was on Wellbutrin. [Lazzara] said they wouldn't be able to put her back on that since it's not permitted at the jail, but that they would put her on “something similar.” [The defendant] expressed that without her meds she was feeling very anxious.

Mental Health Court Watcher Observation May 18, 2021

Probation claims that the jail said that he had refused meds, but [the defendant] claims that he was given the wrong meds. He filed a complaint, and the jail withdrew medication. Lazzara says that he may have been on the right meds because the county has a deal where they can't guarantee the same meds, but they will be roughly “equivalent.”

Mental Health Court Watcher Observation October 25, 2021

Coercing participants into medication regimens functions as yet another tool in the carceral toolbox. Forced medication deprives participants of control over their recoveries and can rob them of their sense of self. The MHC’s disruptions and changes in medication make even the most functional regimens difficult to comply with safely or reliably. The MHC’s medication requirements place participants in an impossible double-bind.

58. Mental Health Court Watch Observation, October 3, 2022

59. Mental Health Court Watch Observation, July 18, 2022

60. Mayo Clinic, *Acute Liver Failure*, <https://www.mayoclinic.org/diseases-conditions/acute-liver-failure/symptoms-causes/syc-20352863>

BREAKING UP FAMILIES

Lazzara and other MHC officials regularly disrupt the family lives and living situations of participants. Lazzara has required participants to live apart from their children on release at least twice.⁶¹ Lazzara entered a no-contact order against another defendant's entire family because "they're your enablers: mom, dad, and your sister."⁶²

When another defendant's family attempted to find her a placement in a treatment facility without contacting the MHC, a JRS official said that her family was "meddling instead of going through us. The programs need to know not to talk to the family."⁶³

Several participants explained the impact the court was having on their families:

This defendant ... said that he had a job and a house. He needed to go home because he's the only one supporting his family and keeping the family in the house. His son has epilepsy and autism and his mother just had a stroke but he couldn't contact her. There was a no contact order against him for a charge that was later dropped, and yet the no contact order was still being enforced so he couldn't contact his mother at all. He was crying and pleading with the judge to arrange to let him talk to his mother who had had the stroke.

Mental Health Court Watcher Observation May 18, 2021

[The defendant] explains that 6 months of no work and no ability to see his kids at CORE would be devastating to his family. He said he needs to be working to support his wife and kids.

Mental Health Court Watcher Observation October 3, 2022

[The defendant's] girlfriend got pregnant with their first child. He asks to be released on compassionate monitored release with an anklet so he can be there for his child and family.

The judge refuses the house arrest option and says that he needs to learn "skills" to take care of himself first so he can be a good father.

Mental Health Court Watcher Observation October 25, 2021

61. Mental Health Court Watch Observations on June 13, 2022, and June 21, 2022

62. Mental Health Court Watch Observation October 3, 2022

63. Mental Health Court Watch Observation September 20, 2021

COMPOUNDING POVERTY

The MHC manages many individuals experiencing housing insecurity, unemployment, and poverty. Onerous probation requirements, fines/fees, and the impact of a criminal record all serve to keep participants in dire financial straits.

One defendant was criminally charged after stealing groceries:

He says that he's trying to afford food or diapers for his kids and that he's trying to do the right thing. In response to PO asking him where the money goes because he has a good paying construction job: "I didn't make any student loan payments between 20-30. My credit score is trash."

He says that he's finding someone to carpool with to work but that the charge for driving while suspended was him trying to get to work so he could support his kids. He asks how he can get help in a jail cell and what will happen to his kids.

Mental Health Court Watcher Observation June 21, 2022

Similarly, another defendant "lost his job due to issues with maintaining transportation" and had been "having issues keeping up with his probation officers daily due to caring for his ill daughter."⁶⁴ He was struggling to find housing at the time.

The MHC can keep participants from accessing their money if it deems them incompetent to manage finances:

He needed a payee for his paycheck to be delivered while he's in there and they clarified that if he's not willing to designate a payee, he'll get regular sentencing...

Lazarra emphasized that it was his choice to leave [the program]... "As soon as you have money in your pocket, you're off committing new crimes. We can give you your wish. You can be sentenced out of mental health court." This was not his wish.

Mental Health Court Watcher Observation April 24, 2021

Other government systems also fail MHC participants in poverty. One defendant was on Social Security Benefits – Supplemental Security Income, \$841 a month in 2022 – but managed to gain employment, putting him over the Social Security Administration's salary threshold of \$19,560 a year. He lost his benefits and his housing,⁶⁵

64. Mental Health Court Watch Observation, June 6, 2022

65. Mental Health Court Watch Observation, May 24, 2022.

The plea-dependent MHC's imposition of a criminal record also has a lasting impact on employment opportunities. Job applicants with criminal records are approximately half as likely as those without criminal records to receive callbacks from employers.⁶⁶

FINES, FEES, AND RESTITUTION

Of 153 unique participants observed in the MHC, we could track docket information on fines, fees, and restitution for 127. In total, these 127 participants:

- were charged with \$970,900.90 in fines and fees;
- had \$362,457.30 adjusted down by the court;
- paid \$42,751.26; and
- still owe \$565,692.40.⁶⁷

At least 45 participants had restitution levied as part of their sentence – a requirement to pay money owed to survivors or victims of their offenses. At least 39 participants were sentenced to miscellaneous or “Individual” restitution in amounts ranging from \$34.54 to \$15,036.00.⁶⁸

The “victims” requiring restitution are often large corporate entities. One defendant had to pay \$48 and \$145.91 in restitution to Rite Aid and Giant Eagle, respectively.⁶⁹ At least nine participants had to pay “Business Entity Restitution” in amounts ranging from \$17.79 to \$29,289.90.⁷⁰ Another defendant had to pay \$3,788.00 in “Insurance Company Restitution.”

Defendants were also charged with a dizzying array of fines and fees, including fees for Offender Supervision; Probation/Parole Admission; Booking Center; DNA Detection Fund; Server; Costs of Prosecution; Civil Judgments; Sheriff’s Warrants; County Court Costs; Crime Lab; Victim Witness Services; State Court Costs; Vouchers; Substance Abuse Education; Domestic Violence Compensation; Drug Testing; Emergency Medical Services; and more. See Appendix I for a full table with fee types and amounts.

These fines and fees can play a part in keeping participants in poverty for decades. While the dollar amount was unspecified, one MHC defendant observed on July 11, 2022, had an outstanding probation detainer and restitution requirement from Judge Mariani that had been ongoing since 2007. This defendant had just been evicted from his apartment and was asking the court where to find clothes.

66. Peter Leasure, “Misdemeanor Records and Employment Outcomes: An Experimental Study,” *Crime and Delinquency*, Vol. 65, Iss. 3, https://journals.sagepub.com/doi/pdf/10.1177/0011128718806683?casa_token=WJKaeJTmXuMAAAAA:V34mw9ceRJUZk6BUslJ2BNYDi0Ov3-XtWeHRypP_9E19iBaOwpYYBuvuA_TBX2FEsEBI1M7S7ot4og

67. Dockets show a list of fines, fees, and restitution assessed against some participants. Each sheet contains an itemized list as well as a “grand total” row. There is a discrepancy between the different values; summing each individual fine or fee per defendant results in a higher value than summing each defendant’s listed “grand total.” The above values and the table in [Appendix I](#) are calculated by summing all individual itemized fines, fees, and restitution amounts.

68. For “Individual Restitution” or “Restitution” assessed per defendant, the average amount was \$2,123.74 and the median amount \$1,000.00.

69. Mental Health Court Watch Observation, March 16, 2021

70. For “Business Entity Restitution” assessed per defendant, the average amount was \$4,141.113 and the median amount \$1,035.57. The dockets themselves do not contain information on the particular “Business Entity” owed.

JAIL

BEFORE THE HEARING WHEN I WAS SITTING ON A BENCH OUTSIDE, I HEARD A PROBATION OFFICER TALKING ABOUT A MAN WHOSE FAMILY WAS THERE TO SEE HIS REVIEW. THE PO WAS TELLING THE FAMILY "I'M HIS PROBATION OFFICER, SO I HAVE TO RECOMMEND JAIL TIME," AND THEN EXPLAINED "HE WAS ACTING UP ... HE'S HAD A BAD ATTITUDE SINCE DAY ONE."

LATER ON, ANOTHER PO TELLS HER THAT A SECOND DUI CONVICTION ACTUALLY DOESN'T MANDATE JAIL TIME. HE MAKES A BET WITH HER.

THE FIRST PO RESPONDS "OH, SO NO JAIL TIME?" SHE THEN SHRUGS.

MENTAL HEALTH COURT WATCHER OBSERVATION AUGUST 29, 2022

The entire MHC system revolves around the threat of the Allegheny County Jail (ACJ).

LAZZARA ASKS IF 2½ TO 5 YEARS SOUNDS GOOD TO [THE DEFENDANT] AND ACCUSES HIM OF "THINKING YOU'RE GETTING ONE OVER ON US. YOU HAVE NO CREDIBILITY WITH THIS COURT WHATSOEVER - ZIPPO, ZILCH. MAYBE A WEEK IN THE ACJ WILL HELP YOU THINK ABOUT WHY YOU KEEP BREAKING THE LAW."

MENTAL HEALTH COURT WATCHER OBSERVATION JUNE 21, 2022

The ACJ is notorious for its violations of human rights. One defendant about to be released from the ACJ "wanted to let the judge know how things were prior to his release:"

HE SAID THAT THE COS ARE DENYING PEOPLE FREE TIME, CLEAN CLOTHES, AND SHOWERS OVER MINOR DISAGREEMENTS. HE SAID THAT THERE WERE ROACHES IN THE FOOD. WHEN HE COMPLAINED, HIS FOOD TRAYS WERE TAKEN AWAY AND HE WASN'T GIVEN ANY FOOD TO REPLACE IT; SO HE'S BEEN GOING WITHOUT FOOD. HE SAYS THAT THIS HAS ALL BEEN HAPPENING FOR A WHILE, BUT IT'S BEEN ESPECIALLY RAMPING UP LATELY AND IS BECOMING UNLIVABLE.

MENTAL HEALTH COURT WATCHER OBSERVATION OCTOBER 25, 2021

The ACJ is ill-prepared at best to handle people with mental illnesses. One court watcher noted a then-incarcerated defendant appearing in “stripes” – an outfit reserved for special punishment – for having an “outburst” in the jail.⁷¹

Judge Lazzara regularly holds the threat of jail over participants. In one hearing, she held the defendant in handcuffs “as a reminder of what he didn’t want to go⁷² back to.” In another, she threatened the defendant with COVID:

LAZZARA SAID THAT IF HE ENDS UP IN JAIL, HE’LL PROBABLY GET COVID BECAUSE IT’S SPIKING AT THE ACJ. IF HE’S REJECTED FROM THE TREATMENT PROGRAM, HE’LL END UP IN ACJ.

MENTAL HEALTH COURT WATCHER OBSERVATION MAY 24, 2022

71. Mental Health Court Watcher Observation July 11, 2022

72. Mental Health Court Watcher Observation May 3, 2022

Judge Lazzara uses the inedible food in the ACJ as an extra element of her punishment system.

HE MENTIONS CONDITIONS IN THE PRISONS. HE SAYS THAT HE'S BEEN VOMITING FROM THE BAD FOOD AND CAN'T EAT THE FOOD. HE'S VERY THIN ON CAMERA...

LAZZARA SAYS "YOU REALIZE YOU DON'T HAVE A CHOICE, SO YOU'RE MAKING PROGRESS." IN RESPONSE TO CONDITIONS AT THE PRISON, LAZZARA SAYS "SORRY THE FOOD IS TERRIBLE. THAT'S WHY WE HAVE TO AVOID PUTTING OURSELVES IN THIS POSITION AND GOING TO JAIL."

MENTAL HEALTH COURT WATCHER OBSERVATION SEPTEMBER 26, 2022

COVID, vomit-inducing food, and other conditions in the ACJ can have deadly consequences. Five people died in the ACJ in 2020; six in 2021;⁷³ and six as of October of 2022.⁷⁴ While the MHC allows some people to escape extensive jail time, many, if not most, of the MHC participants will have spent some time in the ACJ while trapped in the criminal system. The threat is constant.

73. Brittany Hailer, "Thirteen Men Died After Going to the Allegheny County Jail," *Penn Capital-Star*, March 2022, <https://www.penncapital-star.com/criminal-justice/thirteen-men-died-after-going-to-the-allegheny-county-jail-here-are-their-stories/>.

74. Plaintiffs bring class action lawsuit challenging the pervasive use of probation detainees," Abolitionist Law Center Press Release, October 3, 2022, <https://abolitionistlawcenter.org/2022/10/03/plaintiffs-bring-class-action-lawsuit-challenging-the-pervasive-use-of-probation-detainers-in-allegheny-county-pennsylvania%E2%99%A2%E2%99%A2/>.

FACILITIES

ALC Court Watchers observed participants being sent to a number of private and/or government-contracted mental health facilities. Many were only noted once in the entire dataset.⁷⁵ It is difficult to gather information about the conditions within these facilities without extensive interviews with participants; there is little information publicly available other than the facilities' own websites advertising their services.

The MHC seems fuzzy on the details as well:

He asks a lot of questions about what a CRC⁷⁶ is that Lazzara, and really no one in the room, can answer. They just say that it's an "institutional setting, but not a hospital." He keeps asking what it's like and how long he'll be kept there. They can't give him a description or a timeline.

Mental Health Court Watcher Observation October 25, 2021

What little we know from the MHC dataset shows that participants often experience problems. One defendant "claimed that he would rather complete his sentence in jail rather than go to the mental health facility because he [felt] he would be set up for failure."⁷⁷

One MHC defendant was re-incarcerated after escaping a facility where he was being threatened by another patient.

He explains that he was being bullied by another client at CORE and talked to staff and JRS many times (JRS confirms this). This person would bully him and others, threaten violence, act violently, and threaten to fight him. The staff said that if he were to defend himself, that there would be charges, so he got scared and left. He said that he didn't relapse when he was out. He says that he can't be around violent people and that he was wrong to leave, but that he had exhausted every option.

Mental Health Court Watcher Observation July 18, 2022

This defendant remained in ACJ, part of the time in a COVID lockdown, until mid-August when another program accepted him. Another defendant locked down in the ACJ during the same time described her experience as "a nightmare."⁷⁸

75. Including, but not limited to: Recovery House, Teen Challenge, Greenbriar, CORE, Mercy Hospital, Passages to Recovery, First Step, Resolve, Carrick CRR, Gaiser, Pyramid, Angel's Light, Rankin, Gaudenzia, Next Step, Family United, Threshold, the Salvation Army, McLanahan, and Angie's.

76. Central Recovery Center

77. Mental Health Court Watcher Observation, March 29, 2021

78. Mental Health Court Watcher Observation, August 22, 2022

SUBSTANCE USE DISORDER

While the Mental Health Court does not list Substance Use Disorder (SUD) as a requirement for MHC eligibility, many of the MHC's chosen treatment facilities are oriented around SUD or co-occurring conditions and are ill-prepared to treat participants without SUD.

Of 29 different facilities mentioned in observed MHC proceedings, at least 14 advertise themselves as serving individuals with substance use or co-occurring disorders, not mental health alone.⁷⁹ Most of the facilities referenced in multiple hearings were SUD-oriented.

MHC officials have coached participants to play up SUD in facility interviews, even when it is not a central issue to the defendant:

The defendant was told that she had a CRR interview coming up. JRS was giving her interview tips along with Lazzara. She was advised by the judge and others to mention drug and alcohol issues to CRR during her interview.

Mental Health Court Watcher Observation September 20, 2021

The court watcher described this as a consistent issue:

This is just something that I like to flag since often "drug history" simply means smoking pot and it's a problem of a placement match. If they have trouble placing someone, they'll sometimes send people to drug and addiction treatment who aren't good fits ... They'll tell the person they need to talk about their "drug problem" during the interview (presumably to make the fit happen).

Mental Health Court Watcher Observation September 20, 2021

Another defendant, described above in the 'Criminalizing Mental Illness in the MHC' section, had expressed his unmet need for an "outside therapist to work more on the mental health side rather than only addiction support."⁸⁰

Another court watcher observed Judge Lazzara telling a defendant that mental health issues were secondary to alcohol use, imposing clinical priorities based on an artificial distinction:

79. SUD-oriented facilities: Recovery Houses, Teen Challenge, Greenbriar, CORE, Passages to Recovery, First Step, Gaiser, Pyramid, Angel's Light, Next Step, Susan Rua, Skyline Renewal Center, Heuer.

Facilities appearing to advertise Mental Health/Behavioral Health services without co-occurring SUD: Mercy, Resolve, Carrick, Gaudenzia, Family United, Serenity, JRS Housing, Threshold, Salvation Army, Penn Avenue, Western CRR.

Several other facilities could not be easily located online or had ambiguous marketing.

80. Mental Health Court Watcher Observation September 26, 2022

[The defendant] stated, "I don't have an alcohol problem; I have a mental health problem. I need stability and attention." ... The counselor at the facility stated Tyanne had said she was hearing voices, and so she has an appointment with a psychiatrist at the facility.

Lazzara said, "Before we can concentrate on mental health we have to take care of the alcohol." She seems to have unaddressed MH issues and possibly other disabilities that are not being taken seriously by Lazzara or staff.

Mental Health Court Watcher Observation April 4, 2022

TEEN CHALLENGE

Our court watchers observed 16 people being considered for "Teen Challenge." Teen Challenge is a Missouri-based network of over two hundred 501(c)(3) corporations with a "vision of seeing all people freed from life-controlling issues through the power of Jesus Christ!"⁸¹

Teen Challenge advertises a "safe place to establish a new normal— assured of the love of God and under the guidance of Biblical principles." The Pennsylvania Adult & Teen Challenge website is less overtly Christian, but still describes its programming as "faith-based."⁸²

A program named "Teen Challenge" composed entirely of adults seems odd to begin with. More troublingly, the Christian orientation is not always communicated to participants and has resulted in people of other faiths or those without religious affiliations being pressured into attending a program driven by belief in a certain interpretation of the life of Jesus Christ, putative Biblical principles, and faith-based recovery.

One defendant "object[ed] to Teen Challenge on the grounds that he's not religious and it's a faith-based program." The MHC had not communicated to him that Teen Challenge was a Christian program before sending a referral for his evaluation. By rejecting the program, he was faced with two options: remain in jail longer to be reevaluated, or risk violating an outstanding no contact order.⁸³

Another defendant asked about the program First Step, but Lazzara "reassured him that Teen Challenge was the fastest option." The court watcher did not note Lazzara describing Teen Challenge as Biblically oriented. Another court watcher noted a hearing in which "they didn't communicate with him that Teen Challenge was a faith-based program... it sounded like they were breaking the news about the program now."

81. Official Adult & Teen Challenge main webpage: <https://teenchallengeusa.org>

82. Official Pennsylvania Adult & Teen Challenge main webpage: <https://www.paatc.org>

83. Mental Health Court Watcher Observation October 25, 2021

On the other hand, sometimes the faith-based approach is effective for people trying to heal in line with their faith. The court is not responsive to this either.

The public defender reminds [the other MHC officials] that Teen Challenge was a religious program and that this was largely why he was successful. [The officials] don't respond to this reminder in their choice of future programs.

Mental Health Court Watcher Observation September 26, 2022

KICKED OUT

MHC officials are not the only ones to impose punitive logic on participants. Defendants in treatment facilities can be kicked out for minor infractions with little or no notice.

He explained that the behavioral discharge was the result of someone leaving dirty water in a coffee cup and him objecting to it. They got into a verbal disagreement but used mediation and ultimately made up in front of the entire center and resolved the issue...

He was shocked that the center would then behaviorally discharge him without any warning or probation a few days before the final date of the program. He was very upset, especially since the program didn't even have any charges and specified that they were discharging him without any charges against him.

Mental Health Court Watcher Observation June 13, 2022

Another defendant was discharged from CORE after an unsubstantiated accusation of drug dealing and a "bad attitude" one week before finishing a six-month program.⁸⁴

The defendant charged with being "aggressive to other residents" (noted in the 'Criminalizing Mental Illness in the MHC' section) was also given little notice:

They note that on the Friday before the incident, the halfway house said he was doing fine but then Monday they said that he needed to leave ASAP with nothing in between. This seems like a recurring issue with halfway houses giving no warnings for minor infractions.

Mental Health Court Watcher Observation September 26, 2022

84. Mental Health Court Watcher Observation September 26, 2022



**GETTING
OUT**

PROBATION TERMS

If MHC participants make it through treatment programs, they might be released to their communities on probation with terms for remaining free. Probation usually requires remaining in regular contact with one's probation officer, which can be difficult for participants with limited resources:

[DEFENDANT'S] PROBATION OFFICER ADMITTED TO KNOWING THAT [DEFENDANT'S] PHONE ONLY RECEIVED AND PRODUCED CALLS ON WIFI, BUT DID NOT TAKE THIS INTO CONSIDERATION WHEN TESTIFYING THAT HE HAD NOT BEEN IN TOUCH WITH THE DRUG AND ALCOHOL CENTER.

MENTAL HEALTH COURT WATCHER OBSERVATION JUNE 6, 2022

Other participants are placed on house arrest. In at least one instance, a defendant on house arrest lost his housing in the middle of a probation term.⁸⁵

For another defendant,

THE DESCRIPTION OF THE TERMS WERE VERY EXACTING, WITH THE NO CONTACT ORDER CLEAR THAT IF HE SAW THE PERSON IN THE ORDER HE WOULD BE PUT IN JAIL: NO BEING IN THE SAME GROCERY STORE, AND IF YOU SEE HER YOU HAVE TO WALK THE LONG WAY AROUND.

ALSO, HE WAS PROHIBITED FROM ALCOHOL EVEN THOUGH HE DID NOT HAVE A DRUG OR ALCOHOL PROBLEM.

MENTAL HEALTH COURT WATCHER OBSERVATION MARCH 16, 2021

85. Mental Health Court Watcher Observation June 1, 2021

In some cases, being on probation allows others to leverage power over MHC participants:

IT SEEMS FROM CONTEXT THAT HER LANDLORD'S CALL TO THE PO WAS RETALIATORY AND THAT IT WAS BASED ON HER REJECTION OF HIS SEXUAL OVERTURES. IT'S ALSO UNCLEAR WHAT EXACTLY HE DID AND WHETHER THERE WAS A CRIMINAL ACT INVOLVED. THERE WAS NO FOLLOW UP OR ADDITIONAL QUESTIONING ON EITHER OF THESE ISSUES IN THE COURT.

MENTAL HEALTH COURT WATCHER OBSERVATION JULY 11, 2022

E-SURVEILLANCE

Defendants are regularly monitored with various devices and applications on release. ALC Court Watchers recorded nine participants with probation terms involving unspecified electronic monitoring.⁸⁶ The electronic monitoring systems can be prone to malfunction, and one court watcher noted a defendant being punished for what seemed like a technical defect.⁸⁷

ALC Court Watchers noted three instances of the app "Soberlink," an app that takes real-time breathalyzer readings, being used as a probation requirement.

Court Watchers also noted two participants who had to download the "Glympse" app. Glympse is an application that allows court officials to text participants and require a live snapshot of their location.

Lazzara specifies the language to use: "failure to do so may result in re-incarceration."

Mental Health Court Watcher Observation June 13, 2022⁸⁸

86. Mental Health Court Watcher Observations on August 8, 2022; June 13, 2022; April 19, 2021; March 16, 2021; May 10, 2021; May 19, 2021; November 15, 2021; and two hearings on August 22, 2022.

87. Mental Health Court Watcher Observation August 22, 2022

88. The other defendant noted with the Glympse app was on April 12, 2021.

In that same hearing, the court watcher noted that electronic monitoring was not a listed part of the terms of probation.

Very, very troublingly, in the same hearing, a probation officer revealed that others had been requiring participants to install the app without any court approval:

One PO mentions that some POs assumed everyone they were monitoring needed to be on the [Glympse] app, but he had clarified to them that the judge will request it.

Mental Health Court Watcher Observation June 13, 2022

This arbitrary assignment of highly invasive electronic surveillance is a clear violation of due process.

While not real-time e-surveillance, the MHC requires many participants to register biometric data with the state. According to scrapable dockets, at least 64 of the observed MHC participants were ordered to comply with “DNA Registration.”

OUT - FOR GOOD?

“I’m so institutionalized, I can’t believe this is happening.”

Judge Lazzara responded that just because he was not court-supervised doesn’t mean he shouldn’t be careful.

Mental Health Court Watcher Observation May 13, 2021

If MHC participants make it through all their incarceration, mandatory treatment, and onerous probation terms, they will be released from the criminal system. The long-term consequences of their ordeal – the trauma of arrest and incarceration, years of control and surveillance, the financial drain of program compliance or restitution, and a criminal record – all remain.

As of the 2018 CCI study, 50% of participants are rearrested in the three years after completing MHC programs. This is as opposed to 61% in other Allegheny County courts, a modest and not statistically significant difference.⁸⁹ Moreover, the selection bias discussed in section ‘Entering Mental Health Court’ may contribute to this difference more than the MHC itself. Like other criminal courts, the MHC fails to help participants achieve lasting freedom.

89. Cissner, Kerodal, & Otis, “The Allegheny County Mental Health Court,” p.iii.

The MHC's ostensible orientation around treatment should not distract from the many ways in which it is another abusive, violent carceral structure, part and parcel of Allegheny County's larger systems of criminalization. The MHC does not truly divert people from the criminal system, leaving them with a criminal record and the lasting traumas of arrest and (often) incarceration. Mandatory treatment may help some participants by providing support for mental health conditions and substance use disorders. Overwhelmingly, however, assignment to facilities and forced medication are imposed arbitrarily and with little to no oversight by mental health professionals with genuine credentials. Lazzara's bizarre bracelet and certificate system infantilize participants in court; at other times, Lazzara and other MHC officials are openly abusive. We close our report with a set of targeted recommendations to reduce the MHC's immediate harm.



RECOMMENDATIONS

REDEFINING THE STAKEHOLDERS

This report deviates from previous studies of the MHC in several ways; perhaps most importantly, it defines the stakeholders as people directly impacted by the court rather than its professional administrators. Future evaluations will continue to center participants trapped in the system, the people in their lives, court watchers, and the movement against mass incarceration – not “the judge, law enforcement, the prosecution, and probation.”⁹⁰

TRUE DIVERSION: ABOLISH REQUIREMENT OF A GUILTY PLEA

The MHC will not be a true diversion from the criminal system unless it allows participants to avoid permanent criminal records. For the MHC to be oriented around treatment and rehabilitation rather than punishment, it cannot continue to require guilty pleas as a necessary element of eligibility. The MHC should offer an alternative, not tacked-on addition, to traditional carceral punishment systems. Abolishing the guilty plea requirement will avoid one major consequence of criminalization, a permanent criminal record.

HIGHER STANDARDS FOR AUTHORITIES

The Mental Health Court has no discernable standards or qualifications for its presiding judge, a position with enormous power and discretion. This position of authority should require more than experience as a personal injury lawyer.

Beyond the judge, consistent effort should be made to include mental health experts in proceedings – it’s not clear that anyone involved has legitimate credentials in psychiatry, psychology, or behavioral health. The 2018 Center for Court Innovation report revealed that the court was neither providing consistent evidence-based evaluation and treatment nor ensuring that its practices were evidence-based or trauma-informed. The Court should convene a group of legitimate stakeholders – public health experts, community advocates, and directly impacted people – to plan changes to staff, structure, and basic principles.

MEANINGFUL REPRESENTATION: ADVOCACY, DEFENSE, AND PEER NAVIGATION

Representation and advocacy are especially vital for people in Mental Health Court. Due to the supposedly collaborative nature of Mental Health Court, legal defense counsel was present in under half of observed proceedings.

While the Judge, JRS professionals, and Parole Officers claim to be enforcing requirements for the person's "own good," they will always be on the side of the State: the side of punishment. This means that participants have no consistent advocates other than themselves.

The addition of a Forensic Peer Support Navigator would introduce an ally in the courtroom from outside of the legal system, someone who has shared lived experience with the person going through Mental Health Court. The Navigator could act as a "boundary spanner,"⁹¹ ensuring the person understands the court process and that their voice is being heard, "helping to ensure that the individual feels safe and respected; and giving the individual hope that they can recover from mental and substance use disorders"⁹² and mitigating the trauma of incarceration and the entire court system experience.⁹³ A Peer Support Navigator understands the struggles and nuances of mental illness, substance use, and disability in a way that those without lived experience simply do not, and can both advocate for holistic support and prioritize what the primary stakeholder, the participant themselves, actually wants and needs as opposed to what the Court thinks they need.

The Mental Health Court is set up with one person as the problem and authority figures as the problem solvers. This only serves to maintain the culture of ableism that criminalizes disability in the first place. Beyond being of practical assistance, Peer Support Navigators serve as symbols of legitimacy in the courtroom; a re-imagining of this "problem/solver" binary and the double stigmatization faced by individuals with mental illness involved with the criminal legal system. Their presence as legal advocates in the courtroom "address[es] stigma within both the local community and the larger mental health and criminal justice systems so that people with histories of mental illness and criminal justice involvement will be more readily offered opportunities to contribute to their communities."⁹⁴

INCLUDING FAMILIES, NOT BREAKING THEM UP

The only times that family members are mentioned in the MHC Court Watch records are, at best, nuisances to be ignored and, at (a very common) worst, dangerous influences to be excluded by force. JRS officials describe family involvement as "meddling;" concerned parents requesting hospital transport and neurological evaluations are dismissed.

In line with having meaningful advocacy, the MHC should attempt to engage supportive family/friends, or at the very least not dismiss them when they're making an active effort to be involved. The peer navigator or advocate discussed above would be instrumental in including family members.

91.

92. Peer Support Roles in Criminal Justice Settings." SAMHSA'S GAINS Center for Behavioral Health and Justice Transformation, August 2017. https://www.cdc.ca.gov/ccjbh/wp-content/uploads/sites/172/2019/06/WebinarSupportingDocument_PeerRolesinCJSettings508.pdf.

93. Davidson, Larry, Ph.D. and Michael Rowe, Ph.D. "Peer Support within Criminal Justice Settings:

The Role of Forensic Peer Specialists." The CMHS National GAINS Center, May, 2008, <https://static1.squarespace.com/static/599ee1094c0dbff62a07fc13/t/59af1347dbe3974ceaa105ce/1376071906957/ForensicPeerGAINSCenter+1.pdf>.

94. Davidson, Larry, Ph.D. and Michael Rowe, Ph.D. "Peer Support within Criminal Justice Settings: The Role of Forensic Peer Specialists." The CMHS National GAINS Center, May, 2008.

COURT IMPROVEMENT COMMUNITY PROGRAM

One court watcher suggests that MHC participants should have a voluntary opportunity to meet each other and discuss their individual situations and the MHC itself. “Even if it is something as simple as a dinner once a month, it could help release at least a little bit of the tension that those involved feel.”

TRANSPARENCY ABOUT FACILITIES

MHC participants should have access to a resource honestly describing each facility they might be sent to. It is especially problematic that people are being sent to explicitly Christian facilities without being informed of their faith-based orientation. Even without the issue of faith, having no details about the place one is mandated to remain in for months at a time is disorienting, frightening, and unnecessary. This resource should be circulated to MHC participants and made available to the general public – informed, voluntary mental health treatment could truly divert before arrest.

ELIMINATE E-SURVEILLANCE

Probation officers have downloaded intrusive, location-tracking apps on participants’ phones without judicial approval. Even when legally sanctioned, the “Glympse” app requires participants to send probation officers real-time photos of their locations at any hour of day or night. This surveillance is highly invasive and susceptible to abuse. The “Glympse” app should be eliminated from the MHC. Court watchers should remain attentive to comments made by probation officers about any surveillance measures to ensure that participants receive a bare minimum of due process.

VOLUNTARY MENTAL HEALTH SCREENINGS

Defendants in the Mental Health Court should have access to voluntary psychiatric and neurodevelopmental evaluations. While individuals who enter the Mental Health Court must have mental/behavioral health diagnoses, these diagnoses may not be correct, and may not encompass all of what someone is experiencing. Accurate and thorough evaluations of participants’ psychiatric conditions, including any common co-occurring disorders that may be missed, should be available before mandatory treatment programs are imposed.

The Abolitionist Law Center’s report *Invisible by Design: Developmental and Cognitive Disabilities in Allegheny County’s Criminal Legal System* provides more information on screening and harm reductive implementation within specialty courts:

The Mental Health Court should contract with providers to offer participants complete neuropsychiatric and medical evaluations to screen for I/DD, ASD, TBI, other cognitive impairments, and any psychiatric disorders or mental health needs. These should be optional and the results confidential. Providers should walk participants through what evaluation results mean, how certain impairments may be affecting their lives, and choices they have moving forward, including whether or not to share new diagnoses with courts and probation.⁹⁵

Screenings can offer evaluation and support beyond diagnosis. The Supports Intensity Scale, for instance, focuses on strengths-based, person-centered planning, and evaluates the types and intensity of supports needed in work, home, or social settings.⁹⁶ “The SIS is specific to I/DD, so would not be appropriate to apply to all mental health or substance use disorder needs assessments, but is an example of the type of functional assessments that could be used in lieu of diagnostics both as a way to provide evidence-based care and collect/distribute data about disability in the criminal punishment system.”⁹⁷

CONTINUED OVERSIGHT: COMMUNITY POWER-BUILDING THROUGH COURT WATCH

The Abolitionist Law Center will continue to monitor and report on the Mental Health Court, bolstering its court watch infrastructure and building power to stand up to the abuses and excesses of mass incarceration. The reforms suggested in these recommendations can alleviate some of the most extreme harms of the MHC immediately. More broadly, efforts to oversee, evaluate, and change carceral systems challenge the basic assumptions of the criminal system: the stakeholders involved, the meaning of public safety, and the needs of the individuals and communities subject to policing, prosecution, and incarceration. As long as mental illness is exacerbated and criminalized by police, courts, and prisons, more work remains to be done.

95. “Invisible by Design: Developmental and Cognitive Disabilities in Allegheny County’s Criminal Legal System,” Abolitionist Law Center, 2023

96. Support Intensity Scale and PA Plus (SISTM),” Pennsylvania Department of Human Services, <https://www.dhs.pa.gov/Services/Disabilities-Aging/Pages/SIS.aspx>

97. “Invisible by Design: Developmental and Cognitive Disabilities in Allegheny County’s Criminal Legal System” Abolitionist Law Center, 2023

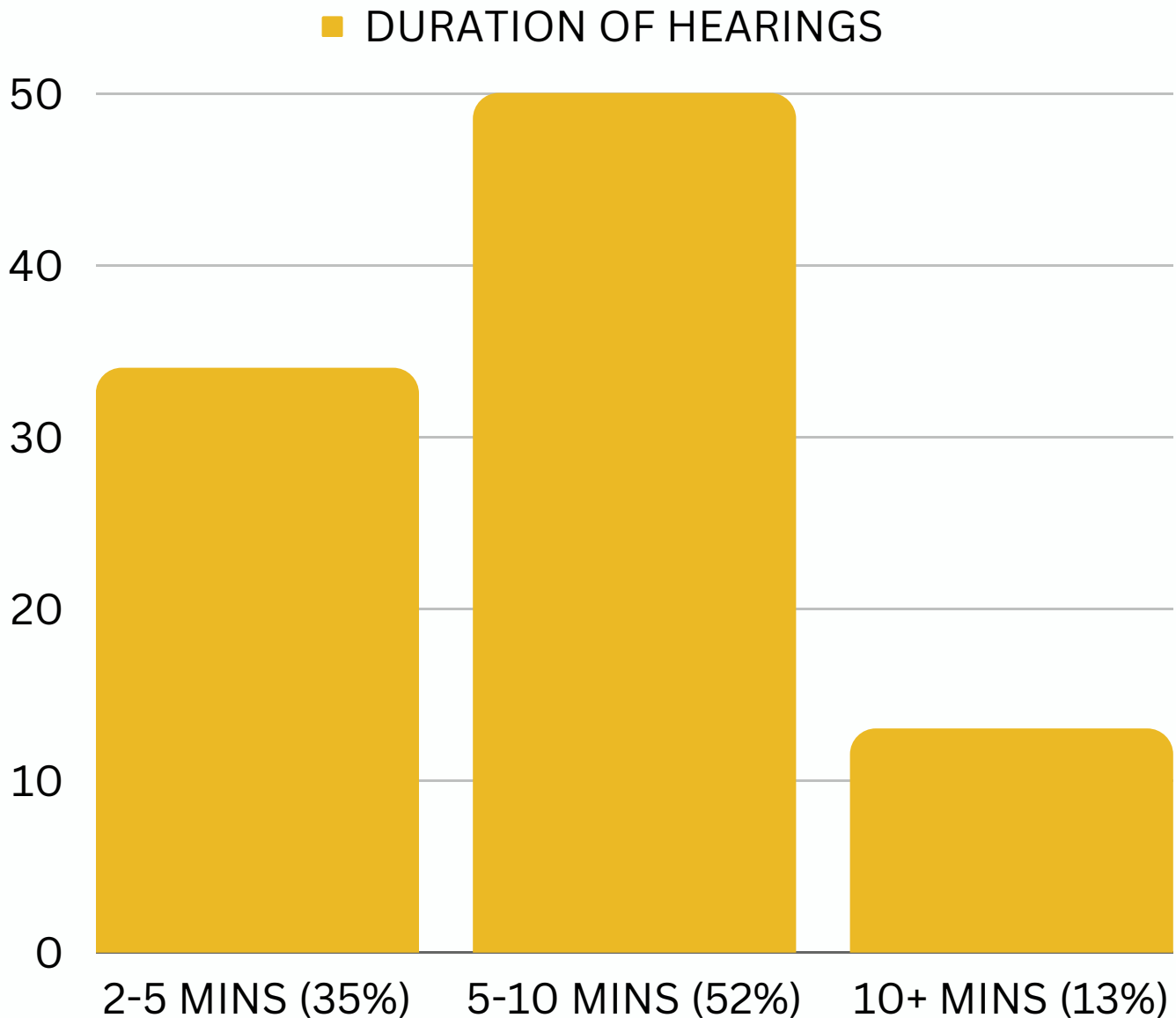


ENDNOTES

DATA ANALYSIS

1. DURATION OF HEARINGS

The data team filtered out any double entries of the same hearing and any entries where duration was not recorded. For the MHC dataset, this left 97 individual hearings. The breakdown is as follows:



DATA ANALYSIS

2. CHARGES

The data team used R to clean and analyze the Charges data. The Charge table compares the MHC dataset to the full dataset, filtered to remove all MHC entries.

The charges analyzed are those recorded by court watchers as reasons for appearance in court, and thus 1) cover reasons for negative reviews not necessarily included on the criminal docket and 2) potentially exclude some original charges.

Both datasets were filtered such that only unique combinations of defendant and charges are included. Defendants who were observed in multiple hearings are only multiply included if they caught new charges.

The data team used regular expressions to search the text of the “charges” column for various terms. The charge column was converted to all lowercase before searching. Full set of “term” searches used:

- 1.Failure to comply with term: failure to
- 2.Escape / leaving facility: escape|left
- 3.Threats / intimidation: terrorist|threat|fear|intimidat|aggress
- 4.Mischief
- 5.Theft: robbery|burglary|theft|property|stolen|steal|larceny
- 6.Trespass
- 7.Harassment: harass
- 8.Various drug charges:
manufacture|deliver|distribute|controls|ubstance|drug|possess|paraphernal|crack|pot|weed|heroin
- 9.Assault
- 10.Disorderly conduct: disorder
- 11.Reckless endangerment: reckless|danger
- 12.DUI: DUI|dui|driving
- 13.Indecent exposure: exposure|indecent
- 14.Weapons charges: Firearm|firearm|weapon

DATA ANALYSIS

The total number count columns count only unique combinations of participants and charges, excluding review hearings where participants did not catch new charges.

The % of observed hearings columns divides the number of hearings in which a certain charge was observed by the total number of hearings analyzed.

The ratio of proportions divides the percentage of hearings per charge in the MHC by the percentage in other CP courts. It reflects the relative likelihood of participants catching each charge in the Mental Health Court vs. others; a value over 1 means MHC participants are more likely to catch that charge, and a value under 1 means other CP participants are more likely to catch that charge.

The p-value reflects statistical significance, whether this finding can be seen as representative of the full set of hearings. A value under 0.05 suggests that it is representative. Predictive statistical analysis is useful only to a certain extent, and statistical significance is not the same as qualitative significance.

3. FINES, FEES AND RESTITUTION

Dockets show a list of fines, fees, and restitution assessed against some participants. Each sheet contains an itemized list as well as a “grand total” row. There is a discrepancy between the different values; summing each individual fine or fee per defendant results in a higher value than summing each defendant’s listed “grand total.” The values in [Appendix I](#) are calculated by summing all individual itemized fines, fees, and restitution amounts.

FEE TYPE	DEFENDANTS	TOTAL ASSESSED	TOTAL PAID	TOTAL ADJUSTED	TOTAL STILL OWED
Alcohol Highway Safety Program	6	\$ 1,800.00	\$ (12.88)	\$ (587.12)	\$ 1,200.00
Allegheny Crime Lab Fee	17	\$ 7,317.50	\$ (1,427.86)	\$ (3,271.20)	\$ 2,618.44
Amber Alert System	1	\$ 25.00	\$ -	\$ -	\$ 25.00
ARD Admin Fee - DA	3	\$ 600.00	\$ -	\$ (200.00)	\$ 400.00
ARD Admin Fee - PTS	3	\$ 750.00	\$ -	\$ (250.00)	\$ 500.00
ARD Expungement Filing Fee	2	\$ 264.00	\$ -	\$ (132.00)	\$ 132.00
ATJ	122	\$ 1,276.00	\$ (66.00)	\$ (742.00)	\$ 468.00
Bail Bond	4	\$ 263.00	\$ (263.00)	\$ -	\$ -

DATA ANALYSIS

FEE TYPE	DEFENDANTS	TOTAL ASSESSED	TOTAL PAID	TOTAL ADJUSTED	TOTAL STILL OWED
Bail Forfeiture – County	28	\$ 1,025.00	\$ (50.00)	\$ (450.00)	\$ 525.00
Bond Processing Fee	6	\$ 720.50	\$ (720.50)	\$ –	\$ –
Booking Center Fee	119	\$ 43,400.00	\$ (1,000.00)	\$ (25,400.00)	\$ 17,000.00
<i>Business Entity Restitution</i>	9	\$ 37,270.02	\$ (145.50)	\$ –	\$ 37,124.52
<i>Calculated Mileage</i>	1	\$ 1.40	\$ –	\$ –	\$ 1.40
<i>CAT/MCARE/General Fund</i>	8	\$ 495.00	\$ (45.00)	\$ (45.00)	\$ 405.00
<i>Child Care Facility Fee</i>	120	\$ 1,048.00	\$ (30.41)	\$ (598.74)	\$ 418.85
<i>CJES</i>	122	\$ 543.00	\$ (24.50)	\$ (313.00)	\$ 205.50
<i>Commonwealth Cost – HB627</i>	122	\$ 3,576.55	\$ (62.95)	\$ (2,114.00)	\$ 1,399.60
<i>Constable Education Training Act</i>	2	\$ 15.00	\$ –	\$ –	\$ 15.00
<i>Costs of Prosecution – CJEA</i>	111	\$ 10,300.00	\$ (100.00)	\$ (6,050.00)	\$ 4,150.00
<i>County Court Cost</i>	122	\$ 7,327.25	\$ (167.80)	\$ (4,264.00)	\$ 2,895.45
<i>Court Technology Fee</i>	120	\$ 1,174.00	\$ (33.42)	\$ (669.24)	\$ 471.34
<i>Crime Victims Compensation</i>	122	\$ 7,805.00	\$ (773.00)	\$ (4,480.00)	\$ 2,552.00
<i>CRN Evaluation Report New</i>	8	\$ 800.00	\$ (200.00)	\$ (200.00)	\$ 400.00
<i>DCR Civil Judgment Fee</i>	120	\$ 9,420.00	\$ (225.00)	\$ (5,385.00)	\$ 3,810.00
<i>Dept of Records – ARD</i>	7	\$ 1,575.00	\$ (62.54)	\$ (1,050.00)	\$ 462.46
<i>Dept of Records – Conviction</i>	94	\$ 38,800.00	\$ (1,671.25)	\$ (14,400.00)	\$ 22,728.75
<i>District Attorney</i>	120	\$ 6,100.00	\$ (200.00)	\$ (3,050.00)	\$ 2,850.00
<i>DNA Detection Fund</i>	87	\$ 34,000.00	\$ (250.00)	\$ (21,750.00)	\$ 12,000.00
<i>Domestic Violence Compensation</i>	114	\$ 2,140.00	\$ (30.00)	\$ (1,260.00)	\$ 850.00

DATA ANALYSIS

FEE TYPE	DEFENDANTS	TOTAL ASSESSED	TOTAL PAID	TOTAL ADJUSTED	TOTAL STILL OWED
Drug Testing – Urine	3	\$ 33.00	\$ –	\$ –	\$ 33.00
Emergency Medical Services	13	\$ 220.00	\$ (30.07)	\$ (10.00)	\$ 179.93
Expungements	3	\$ 300.00	\$ –	\$ (100.00)	\$ 200.00
<i>Firearm Education and Training Fund</i>	122	\$ 1,105.00	\$ (25.00)	\$ (640.00)	\$ 440.00
<i>Individual Restitution</i>	17	\$ 28,327.06	\$ (1,385.00)	\$ –	\$ 26,942.06
<i>Insurance Company Restitution</i>	1	\$ 3,788.00	\$ –	\$ –	\$ 3,788.00
JCPS	122	\$ 4,648.75	\$ (192.75)	\$ (2,674.00)	\$ 1,782.00
<i>Judicial Computer Project</i>	122	\$ 1,784.00	\$ (64.25)	\$ (1,024.00)	\$ 695.75
<i>Law Library User Fee</i>	121	\$ 1,489.00	\$ (42.57)	\$ (846.64)	\$ 599.79
<i>OAG – JCP</i>	103	\$ 412.50	\$ (15.00)	\$ (250.00)	\$ 147.50
OSP	108	\$ 286,365.00	\$ (6,982.82)	\$ (168,329.18)	\$ 111,053.00
<i>PA Transportation Trust Surcharge</i>	8	\$ 1,365.00	\$ (400.91)	\$ (50.00)	\$ 914.09
<i>Prob/Parole Admin Fee</i>	88	\$ 96,780.00	\$ (2,991.00)	\$ (44,680.00)	\$ 49,109.00
<i>Record Management Fee</i>	121	\$ 1,179.50	\$ (33.46)	\$ (669.15)	\$ 476.89
<i>Restitution</i>	45	\$ 247,767.58	\$ (17,593.20)	\$ (18,136.00)	\$ 212,038.38
<i>Scanning Fee/Automation</i>	1	\$ 5.00	\$ –	\$ –	\$ 5.00
<i>Server Fee</i>	57	\$ 24,669.80	\$ (26.17)	\$ (13,187.17)	\$ 11,456.46
<i>Server Fee – Referred to County</i>	34	\$ 11,639.74	\$ –	\$ (6,320.29)	\$ 5,319.45
<i>Sheriff's Warrant Fee</i>	40	\$ 7,692.22	\$ (59.00)	\$ (449.80)	\$ 7,183.42
<i>State Court Costs</i>	122	\$ 2,953.45	\$ (63.25)	\$ (1,721.25)	\$ 1,168.95
<i>Substance Abuse Education</i>	21	\$ 2,300.00	\$ (500.00)	\$ (1,000.00)	\$ 800.00

DATA ANALYSIS

FEE TYPE	DEFENDANTS	TOTAL ASSESSED	TOTAL PAID	TOTAL ADJUSTED	TOTAL STILL OWED
Title 75, DUI	8	\$ 11,050.00	\$ (4,009.02)	\$ -	\$ 7,040.98
Title 75, Motor Vehicle	9	\$ 6,275.00	\$ (200.00)	\$ (800.00)	\$ 5,275.00
Use of County	121	\$ 992.00	\$ (32.00)	\$ (492.00)	\$ 468.00
<i>Victim Witness Service</i>	121	\$ 5,550.00	\$ (467.50)	\$ (3,200.00)	\$ 1,882.50
<i>Voucher Fee</i>	78	\$ 2,332.80	\$ (76.68)	\$ (1,194.02)	\$ 1,062.10
<i>Witness Fee</i>	5	\$ 40.00	\$ -	\$ (20.00)	\$ 20.00
<i>Witness Voucher Fee</i>	3	\$ 5.32	\$ -	\$ (2.52)	\$ 2.80
GRAND TOTALS		\$ 977,992.94	\$ (42,983.26)	\$(365,999.32)	\$ 569,010.36

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