

Third District Mental Health Court



Policies & Procedures Manual

Table of Contents

Introduction to Mental Health Court	3
Mental Health Court Mission	4
Eligibility Requirements	5
How Participants Enter Mental Health Court	6
Mental Health Court Overview	7
Requirements of Participation	9
Incentives/Sanctions	12
Graduation/Termination	13
Mental Health Court Team Members and Contact Information	13

Mental Health Court Introduction

The Third District Mental Health Court (MHC) is a specialty court in Salt Lake County that brings criminal justice agencies and mental health professionals together to treat mentally ill participants. Mental Health Court provides a structured link for mentally ill participants to treatment, rehabilitation, medication management, social support services and criminal justice services. Mental Health Court helps participants receive mental health services in order to protect the public and effectively use all public resources available to help MHC participants.

Mental Health Court is a voluntary program. All participants in MHC must enter a guilty plea in a criminal case that has been both clinically and legally approved for MHC. All participants in Mental Health Court must attend court weekly, check in with a probation agent weekly, attend mental health treatment, take all prescribed medications, and take weekly random drug tests.

The Third District MHC is a dynamic program which strives to adapt to best practices and is founded upon evidence-based practices such as those articulated in the 2008 study prepared by The Council of State Governments Justice Center, *Improving Responses to People with Mental Illness: The Essential Elements of a Mental Health Court*.¹

Planning & Administration

In order to ensure that it continues to evolve and thrive, the Third District Mental Health Court (MHC) is overseen by an Advisory Committee comprised of stakeholders throughout the criminal justice and mental health systems.

The Advisory Committee

The MHC Advisory Committee is chaired by the Clinical Director of MHC and meets once per month. The Advisory Committee may revise policies and procedures of MHC, address issues that arise

¹ Available at <https://www.google.com/url?q=http://csgjusticecenter.org/wp-content/uploads/2012/12/mhc-essential-elements.pdf&sa=U&ei=K7MBVez3GYmgNtJq&ved=0CAkQFjAE&client=internal-uds-cse&usg=AFQjCNEYrWAdRv4uHY85moPpyTyPQ2OeNg>

Mental Health Court Mission

The mission of the Third District Mental Health Court is to enhance public safety and reduce recidivism of those who suffer from serious mental illness by connecting these participants with community treatment services, and to find appropriate dispositions to the criminal charges by considering the participant's mental illness and the seriousness of the offense

In order to accomplish this mission, the Third District Mental Health Court seeks to address the unique needs of mentally ill participants by:

- Linking mentally ill participants with local mental health service providers
- Providing intensive participant supervision
- Developing individual treatment plans that serve mentally ill participants and the community
- Ensuring all participants follow Mental Health Court conditions, including treatment requirements
- Reducing incarceration and recidivism of mentally ill participants through a combination of mental health treatment and court supervision

Eligibility Requirements

Mental Health Court is a voluntary program. In order to participate, the applicant must:

1. have a criminal case pending in Third District Court;
2. live in Salt Lake County;
3. be both clinically and legally approved for Mental Health Court;
4. agree to be treatment and medication compliant;
5. agree to be compliant with any court orders; and
6. agree to enter a plea (guilty or no contest) to their charges.

Clinical Eligibility

Participants must have a mental health diagnosis of *schizophrenia, bipolar disorder, or schizoaffective disorder* as determined by the clinical director of MHC. Individuals with co-occurring disorders (i.e. substance abuse or personality disorders) are also accepted as long as the mental health diagnosis is primary.

In certain, unusual, cases, participants with developmental disorders, traumatic brain injuries, and/or other serious and persistent diagnoses may be considered for MHC.

Participants must agree to be in treatment, take any and all prescribed medication in the manner prescribed, and follow all treatment recommendations made by their treatment provider

Legal Eligibility

Participants must be legally competent

Participants cannot have sex offense charges or convictions

Participants cannot have pending DUI charges or be on probation for DUI offenses

All cases will reviewed by the prosecuting attorneys on a case-by-case basis to determine legal eligibility

How participants enter Mental Health Court

- 1. Referral:** Defense attorneys, prosecuting attorneys, judges, probation officers, jail staff, Criminal Justice Services or mental health professionals can make referrals to MHC, however, the decision to ultimately enter into MHC is a legal decision that is made by the defendant in consultation with defense counsel.
- 2. Clinical Screening:** The Clinical Director of MHC and the MHC Team will screen the individual to ensure they have a suitable diagnosis. They will look at previous diagnoses from mental health/medical providers as well as treatment history.
- 3. Legal Screening:** After clinical approval, the Salt Lake County District Attorney will screen each case to determine legal eligibility based upon the referred case and criminal history.
- 4. Orientation:** Once an individual has been accepted into MHC, they must attend and observe at least one session of MHC and receive an orientation from the prosecutor, defense attorney, and/or the clinical director. If the individual chooses to participate after the orientation, they must return to court the following week.
- 5. Guilty Plea/Plea in Abeyance:** If the individual decides to participate in Mental Health Court, they must enter a guilty plea.
- 6. Mental Health Court Agreement/Probation:** In conjunction with entering a plea, the participant must sign the Mental Health Court Agreement and agree to comply with all terms and conditions of MHC. All participants are placed on probation.
- 7. Treatment Plan:** Treatment plans are developed for each participant and are tailored to their individual circumstances. Treatment plans are flexible and adjusted regularly based on the participant's needs, capabilities, functioning, goals, and progress in MHC.
- 8. Participation:** After entering MHC, participants must comply with their treatment plan and probation conditions. If the participant fails to comply, they are subject to sanctions decided upon by the Mental Health Court Team.
- 9. Graduation:** After successful completion of the MHC, the participant will graduate, and the court case and probation will be closed. At graduation, criminal

charges will be dismissed if participants had a plea in abeyance or reduced if participants entered a guilty plea with probation.

Mental Health Court Overview

Team Decision Making and Court Staffing

One of the most distinctive characteristics of MHC is the staffing that occurs each week. The Mental Health Court Team meets prior to court each week and reviews each and every case on that day's calendar. The staffing is a collaborative effort and is used to assess the status of each participant and their compliance with their individual treatment plan.

During the staffing, each member of the Mental Health Court Team may provide information on the participant's progress in treatment and input as to possible incentives and/or sanctions. Ultimately, the determination of incentives and sanctions rests solely with the Judge, but that determination is reached only after receiving input from the Mental Health Court Team and the participant and their attorney.

Outside of Mental Health Court, allegations of probation violations must go through a formal process which includes the filing of affidavits by the probation agency, the issuance of an arrest warrant, and ultimately a hearing to determine whether a violation has occurred. This process can take considerable time and may result in extended incarceration awaiting disposition. In contrast, in MHC, most probation violations are handled immediately and formal process is waived by the participant when they enter into MHC. Only when termination from the program is at stake, will a formal process occur.

Treatment Plan

Treatment plans are developed for each participant and are tailored to their individual circumstances. While most MHC participants receive services through Valley Behavioral Health, participants may obtain services and treatment through any licensed provider as long as the participant signs a release of information and the treatment provider agrees to provide regular updates as to the participant's progress in treatment.

Treatment plans are flexible and adjusted regularly based on the participant's needs, capabilities, functioning, goals, and progress in MHC.

Confidentiality

MHC is governed by State and Federal laws pertaining to confidentiality. As part of the screening process, applicants must authorize disclosure of information to members of the MHC Team in order to determine eligibility for MHC and the participant's progress in MHC monitored in weekly staffing.

However, beyond the MHC Team, disclosure of information received in the course of treatment or participation in MHC beyond the MHC Team as part of weekly staffing is strictly prohibited.

MHC observes strict compliance with the attorney-client privilege. Everything you say to the defense attorney in MHC is kept confidential by the defense attorney.

Court Hearings

Weekly court status hearings are an integral part of MHC. While the "court" aspect of MHC is more relaxed and informal than regular court, it is still a court. As such, there are rules and protocols that must be followed to ensure proper recording of the proceedings and documentation of what occurs.

All participants must be in court on time.

Requirements of Participation

First and foremost, Mental health court is a treatment court and participants must adhere to their personalized Treatment Plan, including taking mental health medication if prescribed, attend group and individual counseling, and attend classes.

All MHC participants must be supervised by a probation officer from either Salt Lake County or Adult Probation and Parole. Participants must abide by any and all conditions in their probation agreements.

After entering a guilty plea participants must:

1. Immediately report to the treatment provider, Criminal Justice Services case manager and/or Adult Probation and Parole agent as identified by the Court and continue to report as directed.
2. Maintain a residence of record within Salt Lake County which has been approved by MHC. Participants must get approval from MHC to change residence. Participants must provide and update contact information.
3. Attend all court hearings and other appointments as scheduled or required by treatment or probation.
4. Commit no criminal law violations, possess no dangerous weapons (including knives), and report any law enforcement contact to the probation supervisor within 48 hours.
5. Take all mental health medications as prescribed. You must notify MHC of any changes in prescribed medications or additional prescriptions within 48 hours.
6. Attend all counseling, therapy, and support groups as ordered.
7. Submit to and pay for alcohol and/or drug testing as ordered by MHC.
8. Comply with all other assigned treatment program requirements.
9. Agree that MHC can take immediate action for failure to comply with the terms and conditions of MHC without a formal Order to Show Cause and/or hearing.

10. Not share medications or illicit drugs with other participants. Doing so is grounds for immediate termination from MHC and possible imposition of the original sentence.
11. Sign releases of information for MHC with any treatment provider or hospital that the participant is treated by during their participation in MHC.
12. Always tell the truth.

Drug Testing

1. Participant Expectations

Participants are required to submit to random drug and alcohol testing. The frequency of testing and the type of testing done will depend upon each participant's needs.

Participants are required to be aware of all drug testing procedures and avoid substances that could compromise drug testing results.

2. Testing Fees

Participants are required to pay for any necessary fees for drug and alcohol testing and re-testing. While the majority of these costs may be covered by Medicaid, or other insurance, participants are ultimately responsible if these costs are not covered by insurance or other means.

3. Missed Tests, Dilutes and Tampering

Missed tests, for any reason, may subject participants to sanctions, including jail time.

Dilute urine samples may subject participants to sanctions, including jail time.

Tampering with, or the adulteration of, drug tests may result in an Order to Show Cause leading to possible termination from Mental Health Court.

4. Challenging Test Results

Mental Health Court must assume test results are valid. Therefore, if a participant tests positive, it is presumed that the participant used illegal or otherwise unapproved substances. If a participant believes that the test was in error, then it is the participant's responsibility to pay for re-testing.

Medical Treatment and Non-Mental Health Prescription Medication

1. Medical and Dental Appointments

When possible, participants should notify their case manager, probation officer, or the Mental Health Court Team prior to attending medical and dental appointments.

Participants must provide documentation to their case manager, probation officer, or Mental Health Court Team verifying the reason for the medical or dental treatment or procedure.

2. Non-Mental Health Prescription Medication

Participants may take non-mental health medication while in Mental Health Court. However, there may be some medications that are not appropriate for the program. Participants may be asked to discuss other treatment options with their physician or may be prohibited from continued participation in the program.

Non-mental health prescription medication must be taken as prescribed (dose and period of time).

Participants must inform their case manager, probation officer, or Mental Health Court Team of any non-mental health medications or prescriptions received.

Participants will request non-narcotic medications when medically appropriate.

All new non-mental health medications and prescriptions may be subject to review by the Mental Health Court Team. Participants must inform

their case manager, probation officer, or the Mental Health Court Team of any new prescriptions within 24 hours.

Depending upon each individual participant's treatment plan, the medications or prescriptions may not be approved for continued use. If the participant insists on taking non-approved medications, the participant may be subject to sanctions or removal from Mental Health Court.

3. Release of Information

Participants are required to sign a Release on Information for all medical, dental, and mental health care providers.

New Offenses & Charges

Participants must report any police contact or new arrests/charges to their case manager or probation officer within 48 hours.

If a participant commits a new offense while in MHC, continued participation in the program will be re-assessed. The team may decide to allow the participant to continue in MHC after considering the new case and assessing the appropriateness of continued MHC participation.

If the team determines that the participant is no longer appropriate for MHC based upon new charges, the participant will be subject to termination in MHC and may have their case sentenced out or transferred out of MHC back to the original assigned judge.

If a current participant's new case is accepted into MHC, the participant may be subject to sanctions, new probationary conditions, and an increased term of probation in MHC.

Incentives/Sanctions

Incentives and sanctions are used by the Court to motivate each participant's compliance with the terms and conditions of MHC. If compliant, the participant receives incentives and encouragement for continuing to do well. If non-compliant, the participant may be sanctioned to reinforce the importance of compliance. Incentives and sanctions are determined on a case-by-case basis by the Court after receiving input from the participant, counsel, and the Mental Health Court team.

Incentives may include:

- Placement on the Rocket Docket (having your case called in the first part of the calendar);
- Verbal reinforcement from the Court;
- Group recognition of achievement (applause);
- Tokens (treats, gift cards, etc.)² ;
- Less restrictive treatment and probationary conditions;
- Reduction of court appearances to every other week or to once a month; and
- Early graduation

Sanctions may include:

- Removal from the Rocket Docket;
- Verbal Warnings/Admonishments from the Court;
- Community service;
- Additional assignments, classes, or groups;
- Change in housing;
- Increased frequency of court appearances;
- Increased intensity of treatment;
- Stricter supervision;
- Jail ; and
- Termination from Mental Health Court and imposition of sentence

Graduation/Termination

Graduation:

Upon successful completion of Mental Health Court, the participant will graduate. Upon graduation, the graduate's charges will be reduced or dismissed depending on the type of plea entered. Graduates who entered pleas in abeyance will have their case dismissed, other graduates will have their convictions reduced one degree.

Termination:

If the participant fails to comply with MHC requirements, they may be removed from MHC with unsuccessful termination and the Court may impose all or part of their original sentence.

² Availability dependent upon current financial conditions

Mental Health Court Team Descriptions

District Court Judge—Presides over the Court and receives status updates each week in court and has weekly contact with each participant

Court Clerk—schedules court dates for each individual and should be contacted if a participant is going to be late to court, or cannot come due to illness or emergencies

District Attorney (Prosecutor)—prosecutes felony and misdemeanor cases within Salt Lake County. Prosecutor determines legal eligibility for the Mental Health Court

Legal Defender Association (Defense Attorney)—represents clients and ensures clients are aware of legal rights/consequences of entering Mental Health Court

Legal Defender Association Social Service and Mitigation staff - helps to clinically screen those who wish to enter MHC and may provide further assistance to participants while they are in MHC

Case Resolution Coordinator (Criminal Justice Services but housed at LDA) - Legal assistance for clients in Mental Health Court, Drug Court and Re-Entry programs. This program is a conduit between courts, enabling multiple courts to tailor sentences efficiently and dismiss multiple cases, thus allowing clients to continue treatment without interruption, thereby reducing recidivism.

AP&P Officers - they are with Adult Probation and Parole and supervise clients with higher-level offenses and have specialized caseloads for mentally ill offenders

Clinical Director - Valley Mental Health (VMH) employee, clinically screens those who would like to enter MHC and other responsibilities with clients

VMH Case Manager - case management at VMH's Forensic Unit

Jail Diversion Outreach Team (JDOT) - This VMH assertive community team has a 1:10 staff/patient ratio and 24/7 availability. The multidisciplinary team has an LCSW, APRN, RN, two case managers and two NAMI mentors, and provides support to seriously and persistently mentally ill individuals.

Community Response Team (CRT) - The VMH Community Response Team

(CRT) is a program helping individuals with a mental illness who are also having legal problems. The CRT works with clients who are currently in jail, recent releases and also clients in the community who may be diverted from jail to this program by a law enforcement officer or Crisis Intervention Team (CIT) officer. CRT staff visit inmates prior to release to develop an APIC Plan, a pre-release relationship with the inmate, assure medication continuity upon release and pre-determine eligibility for benefits.

Criminal Justice Services (CJS) case managers – provide case management at CJS for MHC clients and assist with linkages to the MHC Master Leasing Housing Program

CJS Boundary Spanner – assists in connecting multiple programs to ensure participants are connected to each program

Salt Lake County Metro Jail Mental Health Services – a representative from the jail’s mental health treatment provider – brings updates on a client’s status in jail (meds, etc.)

Fisher House MHC Liaison – updates the court on any issues at Fisher House (one of the MHC Master Leasing Housing Programs)

Housing Authority of Salt Lake County—assists in providing housing for the Mental Health Court participants

C.O.R.E. – this stands for Co-occurring, Reentry and Empowerment. This VMH program offers services to adult male criminal offenders suffering from co-occurring disorders including substance abuse and mental health. This 16 bed facility has been designed to provide wrap around services both onsite and in the community, integrating mental health and substance abuse treatment approaches with the ultimate goal of successful reentry and reduction in recidivism.

Veteran Affairs – MHC has a contact with the VA to assist with MHC clients that may receive benefits through them

CIT Program – State Crisis Intervention Team Coordinators with the Salt Lake City Police Department, work with the MHC Team. They are specially trained law enforcement officers, trained in tactics to effectively interact with a person experiencing a mental crisis. Officers of this program are trained to provide a safer intervention for the consumer, the community and the officers, resulting in a reduction in criminal recidivism and officer injury rates.

NAMI - NAMI provides education, support and advocacy for consumers of mental health services. Help. Hope. Healing. NAMI assists consumers in Jail, Mental Health Court, Mental Health Releases, the CRT and JDOT programs, the CIT program and others throughout the community.

Mental Health Court Team Contact Information

My attorney's name is _____. I can reach him/her at 801-532-5444.

My Valley Mental Health Case Manager is: _____
He/she can be reached at _____.

My CJS Mental Health Court Case Manager is _____.
He/she can be reached at _____.

My Adult Probation and Parole Officer is _____.
He/she can be reached at _____.

If I am going to miss court, I need to call _____.

Crisis Hotline:

Salt Lake Housing Authority: 801-284-4400

If court ordered, I need to call the drug testing hotline every _____ days. The phone number is _____.

Utah Chapter of National Alliance on Mental Illness phone #: 801-323-9900