

# **22<sup>nd</sup> Judicial District, Jefferson County Mental Health Court**

## **Program Description**

### **MISSION STATEMENT**

The Mission of the Jefferson County Mental Health Court Program is to provide opportunities for offenders to alleviate mental health symptoms, and to reduce substance abuse, criminal thinking and criminal conduct. The Jefferson County Mental Health Court seeks to reward and reinforce positive pro-social behaviors and suppress anti-social behaviors through the appropriate use of intensive supervision, treatment services, and immediate sanctions.

### **Goals**

Mental Health Court (MHC) is primarily a voluntary diversion program with the goal of increasing access to and engagement in treatment for person with eligible serious and persistent mental illness who are residents of Jefferson County and are charged with certain eligible criminal offenses. The program shall provide evidence-based mental health treatment that will primarily address risk factors associated with criminal conduct: antisocial/pro-criminal attitudes, values, belief systems, pro-criminal associations, temperament, and personality factors.

### **ELIGIBLE INDIVIDUALS**

#### **Residency Requirements**

A person who has legally resided in Jefferson County for a continuous 30 day period prior to arrest. Proof of legal residency may be required to determine eligibility, and the decision on whether a person qualifies as a County resident lies with the sole discretion of the Court. Participant must continue residing in the County of the program for the duration of their participation in MHC.

#### **Serious and Persistent Mental Illness**

Any individual who is 18 years or older who is diagnosed by a QMHP as suffering from a chronic mental disorder as defined by ORS 426.495 (2)(b) which includes conditions such a schizophrenia, a serious affective disorder and paranoid disorders, or another chronic psychotic disorder which manifests symptoms that are not solely a result of mental retardation or other developmental disabilities, epilepsy, drug abuse, or alcoholism. These disorders must be likely to continue for more than one year and substantially limit the individual's consistent functioning in one or more of the following

areas: home environment, community negotiation, social relations, vocational. Other cognitive impairments may be considered on a case by case basis.

### **Eligible Charges May Include:**

The criminal conduct must have a nexus to the chronic mental disorder.

The District Attorney reserves the right to consult with any named victim prior to determining eligibility.

#### **Disorderly Conduct**

Harassment (not involving a child, a domestic partner or a public servant acting in their official capacity or engaged in official misconduct)

Telephonic Harassment (not domestic violence related)

Misconduct with Emergency Telephone Calls

All Misdemeanor Property Crimes subject to defendant agreeing to pay restitution and making payment in full prior to completing the program

Other charges may be considered on a case by case basis.

### **Counsel**

Defense counsel will be made available as soon as the candidate is identified as a candidate for MHC.

## **SCREENING AND ASSESSMENT**

### **Screening and Assessment**

A request to participate in the MHC Program may come from any source with the District Attorney having the initial responsibility to approve referral of a potential participant to the MHC Team, consisting of Mental Health Court Judge, Best Care Treatment Services clinician, Jefferson County Community Corrections, Jefferson County Supervisory Authority, and Mental Health Court Defense Counsel. Best Care Treatment Services will do an initial screen for eligible mental illness or other cognitive impairment, or gather records from previous/current treatment and service providers. The District Attorney may consider determining eligibility based on charges and community safety. Individuals referred to outpatient treatment shall be assessed and evaluated to determine if they meet the criteria for a mental disorder in the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR).

All targeted offenders will be required to attend and participate in a state-certified intensive outpatient mental health treatment program as directed. The final referral for treatment to Best Care Treatment Services or another appropriate treatment program shall be made after an initial screening process is completed by a Masters level Mental Health Professional. After screening, the referral to treatment shall be

made by the MHC. The Jefferson County Mental Health Court Judge will make the final eligibility decision for those determined eligible for the Mental Health Court Program.

### **Chemical Dependency Treatment Screening**

Due to the high incidence of co-occurring mental illness and substance abuse, the Jefferson County Mental Health Court Participants may be tested for alcohol and non-prescribed drug use as a diagnostic rule-out and, when indicated, as a treatment issue. A random drug screening will be conducted during the first month participation in MHC and at other intervals, if indicated. The Jefferson County Mental Health Court Team, the Treatment Provider and/or the Probation Officer will determine the need for ongoing or random UAs. Offenders that meet the criteria for substance abuse or dependence shall be referred to a local alcohol and drug treatment facility for an assessment and recommendation for substance abuse treatment.

## **RIGHTS OF PARTICIPANTS**

### **Plea and Deferred Sentencing**

Defendants considered for entry into the Jefferson County Mental Health Court Program, pre-adjudication, must enter a Guilty or No Contest Plea to a criminal charge. If Participant is revoked or removed from the Jefferson County Mental Health Court Program, the case will be set for a determination of whether their deferred sentencing shall be revoked and the matter set for sentencing. If approved for entry into the MHC Program, the participant enters into a plea agreement disposing of all pending criminal cases in Jefferson County.

### **Waiver of Legal Rights**

Defendant will waive the right to a speedy trial, and the right to make hearsay objections to witness statements presented by the District Attorney at trial, which statements have been disclosed to defendant by the District Attorney in discovery. Defendant will be required to enter a plea and will then enter the Mental Health Court Program with Deferred Sentencing.

### **Restitution**

In the event the Restitution is owed to a victim, Defendant will be required to report to the DOJ Restitution Agent to make payment arrangements. Restitution needs to be paid in full prior to completing the program.

### **Right to Withdraw**

After judicial approval to enter the program the defendant will have 14 days to withdraw without prejudice to defendant.

## **Scope and Length of Judicial Supervision**

MHC is a one-year/12 month program, but may be extended at the Court's discretion for good cause. Participant must demonstrate progress, protracted stability, and must complete program requirements.

## **PROCESS**

### **Approval Process For MHC**

If a criminal case is pending, the Defendant, Defense Attorney or District Attorney's Office may identify a potential participant. If the Defendant is out of custody, the Defense Attorney, or Defendant will contact the provider designated, Best Care Treatment Services, within five (5) days to schedule an appointment for an interview and screening.

Defendant will file a "Petition to Enter Mental Health Court." The Court will review the Petition and prepare an Order directing Defendant's Participation into the MHC. The Court may modify the conditions of any release agreement, or conditions of probation or sentence order to require defendant's participation into the Mental Health Court. Other Defendant's may be directed by their probation or post-prison supervisor to attend MHC with approval of the Court. The District Attorney, Defense Attorney or Defendant reserves the right to file any objection prior to Defendant's entry into MHC.

### **Process After Approval Into MHC**

When eligibility is determined, defendant will report with counsel to the next regularly scheduled MHC hearing. MHC will be held every 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of the month with staffing at 8:30 am and Court to begin at 9:00 am, or such other times as the court may require. Participant shall follow all directives of the Court, supervising officer or Team and shall abide by all court rules.

If accepted into MHC, an appointment will be set for participant (Defendant) to work with the Court Liaison from Best Care Treatment Services, or other treatment provider, to develop a treatment plan. This plan will be based on needs identified by the participant, participant's treatment provider and the Participation Plan developed in the pre-approval staffing, and will cover mental, physical health care, participant's goals, housing, employment, education, medication, chemical dependency treatment, psychosocial and case management needs as appropriate. This plan will be signed by Participant and approved by the Court. Participant and Team members will receive a copy of the treatment case plan. The treatment case plan will be reviewed regularly and modified as needed.

Court will be apprised of participant's progress at regularly held MHC hearings. It must be recognized that psychiatric relapse is a common occurrence for people with mental illness. Setback may have no relation to the individual's desire to comply with

court orders or adherence to a treatment plan. When individuals run into difficulties while in MHC, cases will be explored. A determination will be made by the MHC Team in conjunction with the participant's treatment provider as to whether any noncompliance was willful, criminal behavior, a symptom of the mental illness, or was an indication of the need to change the treatment plan.

Participants will report for MHC twice a month for the first three months. If there is evidence of sufficient progress, court appearances may then decrease to one a month for the next three months, and then to every other month for the remainder of time in MHC. Increasing time in court will be used as a sanction for non-compliance.

The rights of a person with mental illness accused of a crime to refuse a particular treatment, including a particular medication, will be considered but is not absolute. The MHC team, in conjunction with the participant's mental health treatment provider, will review treatment refusals so that any decision to reinstate charges is made in an informed manner after all reasonable alternatives have been exhausted.

The decision whether to terminate a participant's MHC participation will be up to the Judge after consideration of the above, and for good cause shown.

### **Medical Privacy**

Participants will be advised that some medical information may be discussed on the record from time to time and appropriate waivers/consents shall be required to be executed by participants as a condition of entry into MHC. Jefferson County Mental Health Court and treatment providers will make reasonable efforts to protect participant's privacy interests in compliance with HIPPA.

### **Positive Incentives**

Positive incentives will be given for successful progress in the treatment plan and for meeting specific assignments. Incentives may include: praise and encouragement from the judge and other team members, applause of the entire group, less frequent court appearances, graduation from MHC, award of a certificate of completion, and dismissal of charges.

### **Sanctions for Non-Compliance**

Sanctions will be used in proportion to the gravity of the non-compliance with program requirements. Sanctions may include stern statement from the judge, warnings or designation of "no tolerance" status, required development of lists or other written plans to deal with treatment-interfering behavior, time required to sit in court, work crew, jail time, and other appropriate sanctions.

Non-compliance may include, but is not limited to, missed treatment, missed court dates, positive urinalysis, dishonesty to the Court, demonstrated poor attitude in treatment or in court, and continued criminal conduct.

## **Supervision**

The case manager, and ultimately, the Judge supervise all participants. If a participant is on supervised probation, a probation officer will also supervise. The designated liaison from each participating agency will gather weekly progress reports for the weekly case staffing from participant's treatment providers.

## **Successful Completion of MHC**

To graduate from MHC, a participant will:

- Complete the treatment plan devised by participant and Case Manager and approved by the court.
- Participate, with their Case Manager, in a pre-completion meeting with the Judge and MHC Team to discuss the completion of the treatment plan.
- Participate in an exit interview with the Judge. The Judge will determine if all qualifications for graduation have been met and make the final decision regarding qualification for graduation from MHC.

Upon successful completion of MHC, charges are dismissed for deferred sentencing participants. Participants may petition for expungement of arrest, if allowed by law. Treatment and case management services are generally continued, but without further court monitoring.

Graduation Ceremony: The graduation ceremony will occur in the presence of all other court participants. Participants are encouraged to bring family, friends and other guests that have been supportive and will continue to be supportive after graduation. Anyone wishing to make positive comments at that time will be able to do so. The graduate will be awarded a certificate of completion. A motion for dismissal will be filed by the DA and an order of dismissal signed by the Judge.

## **Termination from MHC or Modification of Probation**

Upon motion and order to show cause initiated by the Court, the State or the Defense, participant may be terminated, or Probation may be modified by the Court upon a showing of good cause. If participant does not successfully complete MHC or is revoked from the Program, the original charges may be referred back to criminal court for sentencing and disposition.

## **PROGRAM DESCRIPTION**

### **STAFFING TEAM**

Circuit Court Judge  
Treatment Provider (Best Care Treatment Services)  
District Attorney's Office  
Defense Attorney  
Probation Officer (Jefferson County Community Corrections)  
Judicial Assistant or Treatment Court Coordinator (if funding permits)

### **GOALS AND OBJECTIVES**

The primary goal is to reduce recidivism among adult probation, post prison, and pre-adjudicated offenders with a present mental disorder as determined by the criteria of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR). The program is meant to decrease the likelihood of offenders committing new crimes by addressing antisocial/pro-criminal attitudes, values, belief systems, pro-criminal associations, temperament, and personality factors in evidence-based treatment. The program is also intended to stabilize offenders in the community through effective case management.

The program shall serve up to 20 offenders at once that will benefit from evidence-based treatment.

The short-term outcome objectives are that offenders engaged in the Jefferson County Mental Health Court program will move through the therapeutic stages of change quickly and decisively, and that as a result, the program shall retain individuals and reduce recidivism.

### **KEY COMPONENTS**

1. Mental Health Court and other Specialty Courts integrate alcohol and other drug treatment services with justice system case processing.
2. Mental Health Court and other Specialty Courts integrate mental health treatment services with justice system case processing.
3. Use a non-adversarial approach, prosecution and defense counsel promote public safety while protecting Participants' due process rights.
4. Eligible Participants are identified early and promptly placed in the Mental Health Court Program.
5. Mental Health Court and other Specialty Courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
6. Abstinence is monitored by frequent alcohol and other drug testing as determined by treatment needs and level of compliance.
7. A coordinated strategy governs Mental Health Court responses to Participants' compliance.

8. Ongoing judicial interaction with each Mental Health Court Participant is essential.
9. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
10. Continuing interdisciplinary education promotes effective Mental Health Court planning, implementation, and operations.
11. Forging partnerships among Mental Health Court, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

### **PROGRAM ELIGIBILITY**

The population to be served by the Jefferson County Mental Health Court shall include offenders with an Axis I diagnosis including Schizophrenia and Other Psychotic Disorders, Mood Disorders, and Anxiety Disorders on adult probation (bench or supervised), post prison supervision, and pre-adjudicated individuals. For individuals with dual diagnosis needs (having an Axis I mental disorder in conjunction with a substance abuse or dependence diagnosis) under this program, an offender must have a mental disorder that is prevalent over an existing substance abuse or dependence diagnosis. Post Prison Supervision individuals shall receive structured sanctions through the Probation Officer, LC hearings officer, and/or Parole Board hearings officer. The Jefferson County Mental Health Court Judge will make the final eligibility decision for those otherwise determined eligible.

### **PROGRAM INELIGIBILITY**

Individuals with only an Axis II Disorder (Personality Disorders and Mental Retardation) are not eligible for services under this program. Individuals with only an Axis I Substance Abuse or Dependence diagnosis are also not eligible for services under this program. The Jefferson County Mental Health Court Judge will review referrals on a case by case basis and, in conjunction with the Mental Health Court Team, shall make the final eligibility decision for those otherwise determined ineligible.

### **TREATMENT PROGRAM DESCRIPTION**

Treatment practices must be theoretically rooted in cognitive behavioral therapy approaches and address six major criminogenic risk factors associated with criminal conduct: antisocial/pro-criminal attitudes, values and beliefs; pro-criminal associates; temperament; and, personality factors. Criminogenic risk factors shall be addressed in mental health treatment 80% of the time throughout the course of mental health treatment. Such services will utilize evidence-based programming meant to reduce recidivism and effect positive change to the offender with a mental disorder.

All therapeutic counseling approaches and curriculums shall be delivered with fidelity and staff administering treatment shall be appropriately and adequately trained to deliver evidence based mental health treatment. Mental health treatment shall be delivered by a credentialed Qualified Mental Health Professional (QMHP) and case management shall be delivered by an individual with a minimum of a Bachelor's degree in Criminal Justice, Psychology, Counseling, Social Work, or human service related field.

The scope of services shall be governed by applicable State of Oregon Administrative Rules (OARs). Services shall include, though are not limited to, a mental health assessment, treatment plan, and ongoing treatment services as recommended by the assessing QMHP. Services will be provided in various contexts throughout the community and may include, Jefferson County Community Corrections, Jefferson County Jail, and/or on the premises of the treatment agency.

The program is a minimum of twelve months in duration. For the **first six months** (to coincide with Phases I and II) of treatment, targeted offenders will engage in evidence-based treatment three times weekly. After **six months** (to coincide with Phases III and IV) of three contacts weekly, contacts can then be reduced to one time weekly if the offender is moving appropriately through the Stages of Change. After nine consecutive months of treatment, contacts can be moved to one time monthly for three months if the offender is making remarkable progress. Offenders with co-occurring disorders will have a minimum of one random urinalysis test weekly for the first six months of treatment. Urinalysis will then remain random throughout the entirety of treatment.

Participants with a Global Assessment of Functioning (GAF) score in the range of 30 or less shall focus primarily on housing, obtaining benefits, and obtaining a stable medication regimen before being required to participate in the structured curriculum of counseling services that this program entails.

### **DRUG OR ALCOHOL TESTING POLICY**

1. Phase I: One or two times weekly\*
2. Phase II: One or two times weekly\*
3. Phase III: Up to four times monthly\*
4. Phase IV: Up to four times monthly\*

\*Notwithstanding the above guidelines, the frequency of UA's will be determined by the Team, depending on the Participant's level of risk for illicit or non-prescribed use.

UA's shall be observed and completed at Best Care Treatment Services with an on-site test or as directed. If an individual tests positive on a presumptive field test, the UA shall be sent to a lab for confirmation.

## PROGRAM PHASES

The Stages of Change model shall be used to assess a Participant's progress through the program and the program phases. Stages of Change are described as:

- Precontemplative
- Contemplative
- Preparation/Determination
- Action
- Maintenance

Phase I (0-3 months) Intake, assessment, referral to treatment, medication review, complete action plans.

1. Participant must tell the truth
2. Participant must follow the Treatment (Mental Health) Court rules
3. Four weeks of continuous documented clean UA's
4. Complete assessments and treatment plans with all treatment providers
5. Take all medications as prescribed for four weeks consecutively
6. Complete a case plan
7. Contemplative Stage of Change or better

Phase II (4-6 months) Stable involvement in appropriate treatment programs, medication taken as prescribed, and complete action plans.

1. Participant must tell the truth
2. Participant must follow the Treatment (Mental Health) Court rules
3. Eight weeks of continuous documented clean UA's
4. Follow through with treatment recommendations and have eight weeks of continuous attendance in prescribed treatment programs
5. Take all medications as prescribed for eight weeks
6. Compliance with supervision conditions
7. Participate in updating treatment plan and case plan
8. Preparation/Determination Stage of Change or better

Phase III (7-9 months) Focus on independent motivation to continue engagement in treatment, medication management, and complete action plan.

Team will monitor compliance regarding other aspects of action plan. Team may modify Treatment (Mental Health) Court reporting requirements.

1. Participant must tell the truth
2. Participant must follow the Treatment (Mental Health) Court rules
3. 90 days of continuous documented clean UA's
4. Follow through with treatment recommendations and have eight weeks of continuous attendance in prescribed treatment programs
5. Take all medications as prescribed for eight weeks
6. Compliance with supervision conditions
7. Participate in updating treatment plan and case plan
8. Action Stage of Change or better

Phase IV (10-12 months) Participant in the Maintenance Stage of Change.

1. Participant must tell the truth
2. Participant must follow the Treatment (Mental Health) Court rules
3. 90 days of continuous documented clean UA's
4. Follow through with treatment recommendations and have eight weeks of continuous attendance in prescribed treatment programs
5. Take all medications as prescribed for eight weeks
6. Compliance with supervision conditions
7. Participate in updating treatment plan and case plan
8. Action Stage of Change or better

Phases may be extended or repeated if Participant is not compliant with treatment, medication, the action plan or probation requirements.

## **GRADUATION**

Participant must complete all four phases successfully, be in compliance with conditions of supervision, be clean and sober for at least 90 days, be in the Action or Maintenance Stage of Change, and be in compliance with all treatment providers.