

JACKSON COUNTY WELLNESS COURT

*Improving Responses to People with Mental Illness
in the Criminal Justice System*



POLICIES & PROCEDURES MANUAL

JACKSON COUNTY WELLNESS COURT

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Section No. 1: Introduction

What is Wellness Court?

Jackson County Wellness Court is a multi-agency program that aims to address the unique challenges of those with serious mental illness in the criminal justice system. The program provides an opportunity for eligible defendants to pursue mental health and substance abuse treatment, stability, and independent well-being under the intensive supervision of a multi-disciplinary team. Wellness Court allows for better legal outcomes for the person, most often as an alternative to prison.

Mission Statement:

“To decriminalize the severely mentally ill, reduce recidivism and costs associated with repeated incarceration, provide comprehensive wraparound services and reduce the need for ongoing hospitalizations, and enhance public safety, while providing dignity and cultural sensitivity to participants.”

Guiding Principles:

Restorative justice,
Public safety,
Voluntary participation,
Defendant accountability,
Therapeutic jurisprudence,
Trauma-informed processes,
Team collaboration

Goals for Participants:

- Increase engagement with treatment providers
- Increase continuity of care
- Increase linkage of services and remove barriers to sustained recovery
- Increase self-sufficiency and autonomy
- Increase probability of successfully completing probation
- Increase likelihood of long-term stability
- Break the cycle of extreme poverty
- Reduce opportunities to be exploited or victimized
- Reduce isolation and disconnect from the community
- Reduce the desire to self-medicate with substances
- Reduce time spent in hospitals, on mental health holds and civil commitments
- Reduce chronic procedural arrests (e.g., failure to appear)

History and Funding

Jackson County Wellness Court was established in November 2015 as “Mental Health Court” by former Circuit Court Judge Lisa Greif, who presided over the program until December 2020. The grassroots project was born out of a series of multi-disciplinary meetings on high-risk individuals, highlighting the need for increased collaboration between local law enforcement, the Court, probation/parole, and the treatment agencies. This program is possible through the combined efforts and funds from multiple agencies, including Jackson County Circuit Court, Jackson County Community Justice, Jackson County District Attorney’s Office, Southern Oregon Public Defenders, Jackson County Sheriff’s Department, Medford Police Department, Jackson County Mental Health, Veterans Affairs, Options for Southern Oregon, Addictions Recovery Center, and OnTrack Rogue Valley. The name was changed to “Wellness Court” in November 2021, with approval from the Advisory Board, to help reduce the stigmatization participants have faced while in this program.

10 Essential Elements of Mental Health Courts:

No. 1: Planning and Administration

A broad-based group of stakeholders representing the criminal justice, mental health, substance abuse treatment, and related systems and the community guides the planning and administration of the court.

**WC Advisory Board*

No. 2: Target Population

Eligibility criteria address public safety and consider a community's treatment capacity, in addition to the availability of alternatives to pretrial detention for defendants with severe mental illness. Eligibility criteria also consider the relationship between mental illness and the defendant's offenses, while allowing the individual circumstances of each case to be considered.

No. 3: Timely Participant Identification and Linkage to Services

Participants are identified, referred, and accepted into the treatment court, and then linked to community-based service providers as quickly as possible.

No. 4: Terms of Participation

Terms of participation are clear, promote public safety, facilitate the defendant's engagement in treatment, are individualized to correspond to the level of risk that the defendant presents to the community, and provide for positive legal outcomes for those individuals who successfully complete the program.

No. 5: Informed Choice

Defendants fully understand the program requirements before agreeing to participate in treatment court. They are provided legal counsel to inform this decision and subsequent decisions about program involvement. Procedures exist to address, in a timely fashion, concerns about a defendant's competency whenever they arise.

No. 6: Treatment Supports and Services

The treatment court connects participants to comprehensive and individualized treatment supports and services in the community. They strive to use, and increase the availability of, treatment and services that are evidence-based.

No. 7: Confidentiality

Health and legal information should be shared in a way that protects potential participants' confidentiality rights as mental health consumers and their constitutional rights as defendants. Information gathered as part of the participants' court-ordered treatment program or services should be safeguarded if participants are returned to traditional court processing.

No. 8: Treatment Court Team

A team of criminal justice and mental health staff and service and treatment providers receives special, ongoing training and helps treatment court participants achieve treatment and criminal justice goals by regularly reviewing and revising the court process.

No. 9: Monitoring Adherence

Criminal justice and mental health staff collaboratively monitor participants' adherence to court conditions, offer individualized graduated incentives and sanctions, and modify treatment as necessary to promote public safety and participants' recovery.

No. 10: Sustainability

Data are collected and analyzed to demonstrate the impact of the treatment court, its performance is assessed periodically and procedures are modified accordingly, court processes are institutionalized, and support for the court in the community is cultivated and expanded.

~Adapted from: *Improving Responses to People with Mental Illness: The Essential Elements of Mental Health Court*, published 2007 by the Bureau of Justice Assistance.

Section No. 2: WC Eligibility Standards

Policy: The Program is for defendants with an **open criminal case in Jackson County Circuit Court** where severe mental illness is the underlying factor in the alleged crime/s, using the following eligibility criteria:

A) **ELIGIBILITY REQUIREMENTS:**

1. The potential participant must reside in Jackson County with the understanding that they would **not** be allowed to transfer to another county or state.
2. The individual must be an adult, age 18 or older.
3. Individuals must have a serious and persistent mental illness (SPMI) per the definition of the office of Addictions and Mental Health (AMH) for the State of Oregon, as determined by a mental health professional.

Eligible diagnoses: Schizophrenia, Schizoaffective Disorder, Bipolar I Disorder, and Major Depressive Disorder- specified as severe & recurrent.

4. Severe mental illness must be the primary motivating factor in the person's involvement with the criminal justice system.

Examples include crime/s committed while in a manic or psychotic episode, due to a severe mental illness, but would not include someone who knowingly and intentionally commits a crime, such as fraud or distribution of controlled substances.

5. Individuals must be legally competent to participate, such as demonstrating a basic understanding of the purpose of the court and the expectation of compliance with treatment recommendations.
6. Individuals must be amenable to treatment and supervision.

B) **DISQUALIFYING FACTORS:**

1. Individuals with Measure 11 charges unless they meet opt out criteria.
2. Individuals facing sex offenses or having prior offenses that require sex offender registration.
3. Individuals who are determined to pose a significant risk to public safety.
4. Individuals who experience transient psychosis (such as due to substance use, PTSD, or personality disorder), but who do not meet criteria for an organic severe mental illness.
5. Individuals whose primary concerns appear due to substance use, personality disorder, severe neurocognitive disorders or developmental disabilities, or medical concerns.
6. Individuals who have repeatedly refused past treatment and supervision interventions and who do not appear willing to modify their behavior for this program.
7. The State opposes treatment court as a resolution to the case/s.

***Participation in the WC program is at the discretion of the WC Judge and Team.**

C) REFERRAL PROCESS: All inquiries and referrals go through the [WC Coordinator](#). Applicants are carefully screened with consideration given to collateral information.

Referral	<ol style="list-style-type: none"> 1. Wellness Court is an open referral process, meaning anyone (e.g., the defendant, defense attorney, treatment agency, or family member) can make a referral on the individual's behalf. 2. Referrals must be formally submitted using the WC Referral Form. 3. If the applicant is out of custody, they will be required to view a WC session to continue with the screening process. This is to inform the person on how the court is conducted. This requirement is waived if the person is in custody.
Screening	<ol style="list-style-type: none"> 1. The WC Coordinator will meet with the applicant to review the program requirements, conduct an interview, and get Consent to Release Information. 2. Eligibility will be determined with information from: <ul style="list-style-type: none"> ▪ Forensic evaluations ▪ Pre-commitment investigations ▪ Mental health providers ▪ Substance abuse treatment providers ▪ Hospitals and inpatient facilities ▪ Department of Human Services ▪ Criminal history and police reports ▪ Community Justice ▪ The Jackson County Jail ▪ Guardians or other care providers, per the signed Consent 3. <i>If eligible</i>, the case will be staffed by the WC Team with the applicant's defense attorney.
Admission	<ol style="list-style-type: none"> 1. Once the WC Team has accepted the individual into the program, the District Attorney will make a treatment court offer and a plea-in hearing will be scheduled. 2. Prior to the hearing, the defense attorney will review with the defendant: <ul style="list-style-type: none"> ▪ WC Petition, Waiver and Agreement ▪ Plea Petition & Order 3. The Judge accepts the petitions and orders participation in Wellness Court. The person is set for the next WC session and is released to approved placement, if in custody.

***Steps may not be skipped in the referral to admission process.**

The process from referral to case staffing is approximately 2 weeks.

In-custody defendants are given priority.

Section No. 3: WC Operations

WELLNESS COURT TEAM:

Policy: Each agency shall assign staff and alternates when assigned staff is unavailable, who are dedicated to Program concept based on training, personal interest in the program, expertise in mental health or criminal justice issues, motivation, and professional abilities to act as a member of the WC Team. Members should be willing to adapt to a nontraditional setting and rethink core aspects of their professional training and be willing to work as part of a dynamic team to help participants achieve treatment goals and contribute to the court's administration to ensure smooth functioning. Program team members attend weekly pre-court staffings, frequent trainings, and program policy meetings.

***All program questions, referrals and other correspondence shall go through the
WC Coordinator: 541-776-7171 ext. 71135**

Wellness Court Judge provides Program leadership, direction in program policy development and presides over Wellness Court hearings and case staffing. The judge also chairs all policy development and team meetings and engages in community networking on behalf of the program.

Jackson County Circuit Court
The Honorable Laura Cromwell

Wellness Court Coordinator is responsible for overall administration of the program, to promote communication, efficiency, and sustainability. The coordinator screens all applicants, maintains case files and program data, sets up team trainings and meetings, and supports the judge in policy development.

Jackson County Circuit Court
Shannon Larsen

Deputy District Attorney (DDA) is responsible for representing the State and its concerns for public safety. The DDA reviews cases and determines whether a defendant is eligible for the Program, files all legal documents, and works collaboratively with the team to decide on a response to the participant's behavior, when termination from the program is warranted and makes recommendations for sentencing.

Jackson County District Attorney
Wade Hilsher

Defense Attorney represents, counsels, and advocates for Program participants, ensures that the unwaived rights of the participant are not abridged, and assists with case related decision-making.

Southern Oregon Public Defenders
Andrew Jordan

Treatment Providers administer, oversee, and provide the participant’s treatment and coordinate with recommended services. The provider assesses and determines the level of treatment, makes on-going treatment recommendations, and keeps the court apprised of the participant’s treatment status.

Jackson County Mental Health

Manager of Forensics Team – Robert Thomas

Options for Southern Oregon

Manager of Assertive Community Treatment – Lauren Tuosto

Veterans Affairs

Justice Outreach – Lynette Van Dusen

Addictions Recovery Center

Clinical Manager – Adrianna Jumping Eagle

OnTrack Rogue Valley

Outpatient Therapist – Molly Bartlett

Advocacy Representative serves as a “change agent,” to educate and remind the team of the complex issues faced by the participants and assists in reducing the stigma of mental illness.

Peer Support Specialists

Daniel Owens (ARC)

Wayne Holbrook (VA)

Probation Officer (PO) provides community supervision on participants, using case planning as determined by measured risk and need. The PO conducts community visits as needed and coordinates with treatment providers to ensure safety of the participant and the community, and issues detainers if serious violations have occurred, or per the request of the WC Judge.

Jackson County Community Justice

Senior Deputy Parole & Probation Officer – Bill Wilkenloh

Law Enforcement provides information to the team about experiences with the participant and their affiliates or environments, new arrests, and monitors concerns about participants.

Medford Police Department

Community Engagement Lieutenant – Rebecca Pietila

COURTROOM OPERATIONS:

Policy: Jackson County Circuit Court has established this specialized, separate court, dedicated to the evaluation, treatment, and supervision of eligible and suitable program participants.

Procedure:

1. Wellness Court sessions are held weekly to monitor the progress of participants.
2. Statements made by Wellness Court participants shall not be used in subsequent adversarial proceedings.
3. At each session, the Wellness Court Judge, Deputy District Attorney, Defense Attorney, Program Coordinator, and Probation Officer shall be present, with a preference that all program team members attend each hearing.
4. All treatment-related documents, including progress reports, test results, etc. shall be ordered sealed at conclusion of the Wellness Court program.

RESPONSIBILITY OF TREATMENT AGENCIES:

Policy: The Wellness Court Program shall utilize only established behavioral health and drug treatment agencies which are licensed and certified by the State or Oregon.

Procedure:

1. Providers use a validated screening tool to determine level of care and use interventions, therapies, and other practices, which are evidence-based.
2. Providers submit weekly progress reports which documents drug test results, compliance with treatment sessions, and relevant case management information.
3. Providers offer the Wellness Court Team recommendations for interventions and incentives to usher in behavior changes and promote safety.
4. Providers present information and participate in cross training to remain knowledgeable about the behavioral health field, substance use trends, laws, cultural issues, behavior modification for the target population and overall best practices for mental health courts.

DATA COLLECTION AND PROGRAM EVALUATION:

Policy: Jackson County Wellness Court shall establish a data collection and program evaluation process.

Data Collection: The designated data collection program is operated and maintained by the Oregon Judicial Department and:

1. Is a HIPAA-compliant system that serves as a secure alternative to email communication.
2. Tracks demographics for statistical reporting, including age, race, gender, mental health diagnosis, substances of abuse, employment or disability status, education level, and housing.
3. Allows for multiple users from the Wellness Court Team to enter treatment and supervision information, including urine screens, which provides real time information on each participant.
4. Pulls information for staffing and other case reports.
5. Is monitored for data collection compliance from the Office of the State Court Administrator.

Program Evaluation: Program oversight is ongoing and provided by the Oregon Judicial Department at both a local and state level. In addition to weekly staffing meetings, the Program Team meets biannually to discuss treatment court literature and research, legislation, and for trainings on working with this specialized population.

Reviews address that the Program is:

1. Adhering to the Program's Mission Statement and Guiding Principles, as defined on pg. 3,
2. Meeting the 10 Essential Elements of Mental Health Courts, as defined on pg. 4,
3. Identifying the target population and determining program eligibility in a timely manner,
4. Matching treatment and supervision to participants' needs and risks,
5. Using fair and effective graduated sanctions and rewards to encourage program success,
6. Maintaining a comprehensive team with a range of expertise and community partners, which receives relevant and specialized training,
7. Conducting biannual reviews by the Wellness Court Advisory Board.

Section No. 4: WC Program Requirements

PHASE MOVEMENTS:

Policy: All Wellness Court participants shall be engaged in treatment according to their mental health assessment and ASAM (substance use assessment) placement criteria and must successfully meet all court requirements to graduate from the program, no earlier than 12 months.

Procedure: Progression through Wellness Court occurs through a four-phase system. Each phase is organized around a central purpose and involves activities to help participants progress in that area. Expectations may be individualized at the discretion of the Program. At the beginning, more treatment opportunities and accountability reviews are expected. As participants progress through phases, they assume more self-determination and accept more personal responsibility. Progress is evaluated regularly by the WC Team.

Phase I: Stability

The purpose of Phase I is to establish a partnership with participants toward the shared goal of stability. This phase emphasizes helping participants obtain stable housing, create routines to assist in daily activities, and begin mental health and substance use treatment/monitoring. Treatment may include frequent individual and group therapy sessions and random urinalysis/drug testing. During this phase, participants are required to attend court every week for 30 days, and have 30 consecutive days of demonstrated sobriety, medication compliance, treatment engagement, and no sanctions to be eligible for Phase II.

Phase II: Maintenance

The purpose of Phase II is to maintain the stability established in Phase I and to continue developing strengths and supports. This phase emphasizes continuation in mental health and substance abuse treatment, maintenance of stable housing, progress toward employment or education if able, continuing compliance with probation requirements, and no new arrests. During this phase, participants are required to attend court every 2 weeks for 90 days, and have 60 consecutive days of demonstrated sobriety, medication compliance, treatment engagement, and no sanctions to be eligible for Phase III.

Phase III: Wellness

The purpose of Phase III is to support the participant in moving from maintenance to wellness through a process of defining short and long-term goals and solidifying wellness practices into one's daily routines. During this phase, participants develop a plan to complete court obligations, including payment of restitution and court fees. Ideas for the WC giving-back project are developed during this time. Participants are required to attend court every 3-4 weeks for 120 days, and have 60 consecutive days of demonstrated sobriety, medication compliance, treatment engagement, and no sanctions to be eligible for Phase IV.

Phase IV: Healthy Lifestyle

The purpose of Phase IV is for participants to begin giving back as a way of consolidating and deepening the gains they have made. At this stage, participants will be stepping down in treatment and program supports, as recommended by the provider. With input and approval from the WC Team, participants will complete a giving-back project of their choosing. This is an opportunity for the participant to make a service contribution to the community. During this phase, participants are required to attend court every 4-6 weeks for 120 days, complete a WRAP (wellness recovery action plan), and have 90 consecutive days of demonstrated sobriety, medication compliance, treatment engagement, and no sanctions to be eligible for graduation.

THERAPUTIC SANCTIONS AND INCENTIVES

Policy: The Wellness Court program will include a plan for progressive therapeutic strategies to modify behavior.

Procedure:

1. The following graduated **interventions** may be used to assist in program compliance:

- Increased substance use testing
- Increased court appearances and community supervision
- Increased treatment or other support groups
- Medicated-assisted treatment
- Community service and/or writing assignments
- Payee service for disability benefits
- Curfew and/or GPS monitoring
- Housing alternatives, such as inpatient treatment, sober/transitional homes, foster care, or residential treatment facilities

When interventions have not been effective, the Judge may use short-term jail sanctions to regain compliance, as often as needed, before proceeding with a revocation from the WC Program and sentencing.

2. The following **incentives** are used to engage and motivate participants in complying with the program:

- Phasing up in the program with certificates of completion and rewards
- Reduced community restriction and supervision
- Gift cards, verbal praise, and other tangible rewards to mark achievements including sobriety milestones, obtaining employment and housing, graduating treatment, etc.
- Waiving fines and fees from current and/or past Jackson County Circuit Court cases and advocating for reduced fees and/or removal of restrictions on driver's licenses
- Help with gym memberships and other special interests
- Ongoing recognition of good choices in the courtroom by the Judge and the WC Team
- WC Graduation Ceremony

PROGRAM TERMINATION

Policy:

- **Wellness Court will provide every opportunity and intervention for a participant to successfully complete the program.**
- Participants may not opt out of the program once the **WC Petition, Waiver and Agreement** has been signed and accepted, and they have been ordered to participate in the Program.
- After 12 months and having fulfilled all requirements as outlined in this manual, a participant may graduate from the Program.
- However, if a participant continues to show unresponsiveness to sanctions and interventions, or no longer meets eligibility criteria (such as it is discovered the person was experiencing a mental health crisis due to drug use, and not severe mental illness), the State may request termination from the Program.
- If a participant absconds, a warrant will be issued, and a probation violation will be filed immediately. The Court will move to terminate from the program after 6 months on warrant status **without right to a formal hearing**.