

# **MENTAL HEALTH COURT PROTOCOL**

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# MENTAL HEALTH COURT PROTOCOL

## I. MISSION STATEMENT

Our mission is to coordinate and facilitate a stable life style for those with mental health issues in Malheur County.

## II. TEAM PARTICIPANTS

### A. Steering Committee

The Steering Committee will consist of the following:

1. Presiding Judge, Malheur County Circuit Court, or his/her designee
2. Justice Court Judge
3. District Attorney
4. A representative of the Malheur County Housing Authority
5. A County Commissioner
6. A representative from the Training and Employment Consortium
7. A representative of the Law Enforcement Agencies (Police Liaison)
8. A representative from Lifeways Behavioral Health, Inc.
9. A representative of Malheur County Community Corrections
10. A representative from the Malheur County Sheriff's Office
11. A representative from the Department of Human Resources
12. The Alumni Group President or an ad hoc appointment
13. A representative from U.N.I.O.
14. A representative from the medical profession

The principal duties of the Steering Committee will include setting policies and procedures for the operation of the Mental Health Court Program, coordination of funding efforts, sharing information regarding community resources and public education regarding the Mental Health Court program in order to cultivate community awareness of and support for the program.

The Steering Committee will meet quarterly or more frequently if needed. The Justice Court Judge will serve as Chair. In his absence, the District Attorney will serve as chair. In his absence, the committee will appoint one of its members to act as temporary chair. Minutes will be kept of the proceedings by the Mental Health Court Coordinator and distributed to each member.

The Steering Committee may add additional members by a majority vote of the committee.

### B. Treatment Team

The Treatment Team for the Mental Health Court will consist of the following:

1. Participating Judges  
*The Justice Court Judge will preside over Court sessions and staffings each week. The Judge is the final arbitor in Team decisions, sanctions imposed and admissions to the program. Each of the Participating Judges will watch the*

*Court docket before them for possible applicants and make referrals to the Coordinator. The Justice Court Judge will mediate any Team disputes and make emergency decisions when necessary with regard to participants and programming between Court sessions.*

2. Probation Officers assigned to Mental Health Court Clients  
*The Probation Officer (PO) will supervise the participants while in the community to ensure they are following the program requirements. The PO will administer drug and alcohol testing to persons subject to such testing to ensure participants are remaining free of all illegal and restricted substances according to program protocol. The PO will work closely with the Treatment Counselors to assist in building Treatment Plans and ensure that the participants are following Treatment directives. The PO will communicate regularly with the Lifeways Representative assigned to Mental Health Court Clients on the status of participant's progress within the program and any needs that arise. The PO will participate in weekly staffings and sessions according to their case load and offer their recommendations with regard to sanctions, incentives, and approval of applicants.*
3. Lifeways Representative assigned to Mental Health Court Clients  
*The Lifeways Representative assigned to Mental Health Court Clients will participate in weekly staffings and sessions according to their case load and offer their recommendations with regard to sanctions, incentives, and approval of applicants. The Lifeways Representative will be responsible for the initial admission screening described below, as well as ongoing case planning and management.*
4. Mental Health Court Coordinator  
*Screen potential participants for initial admission eligibility; arrange for the mental health evaluation and risk assessment; determine if the person can meet the financial obligations of the program; make a recommendation to the Team regarding program admission; make arrangements for donations and incentives; keep track of performance measures on a quarterly basis.*

### **III. ELIGIBILITY FOR THE PROGRAM**

Persons meeting the following eligibility criteria are eligible for participation in the program:

#### **A. Specific Requirements**

1. Be convicted of a misdemeanor or a non-violent C felony. Admission can be for a new crime or a probation violation on a misdemeanor or a non-violent C felony; and
2. Not have been convicted of a person felony in the preceding 5 years; and
3. Have a documented or diagnosed mental health issue.  
*Documented or diagnosed mental health issue means either an axis 1 diagnosis with 2 or more deficits in life functioning or on a case by case basis an axis 2 diagnosis with 2 or more deficits in life functioning.*

4. Three or more police contacts in the preceding 30 days related to their mental health issue.

#### **IV. APPLICATION PROCEDURE**

**A. Number of Applications Allowed**

The current capacity of the program is 10 participants.

**B. Program Costs**

Each participant must agree to pay, during the course of his or her participation in the program, a program fee. The Court may approve installment payments. The participant is also required to pay treatment costs and any Court ordered financial obligations, including repayment of Court appointed attorney fees, fines and fees and incarceration costs. Participants will pay for each urine screening and for intoxilyzer tests, due at the time the test is taken.

**C. Referral Sources and Procedure**

The referral can come from any Team member. Referrals should be sent to the Mental Health Court Coordinator (Coordinator) and the District Attorney. The referral should include:

1. The person's name and identifying information;
2. History of police contacts;
3. Current and past criminal charges if known; and
4. Reasons why you know or suspect a mental health issue is involved in the criminal conduct.

After the Coordinator receives a referral, the Coordinator shall:

1. Make sure that the person is eligible pursuant to our target population criteria;
2. Do a risk assessment on the individual to insure that the person meets the Team's acceptable risk tolerance; and
3. Determine if the person can meet the financial, treatment, and time requirements of the program.

**D. Charging and Negotiations**

The District Attorney will offer plea negotiations that will encourage participation in the Mental Health Court consistent with community safety goals

**E. Admission Procedure**

If the Coordinator determines that the person meets the criteria for admission the Coordinator shall nominate the person for admission at the next Mental Health Court session if:

1. Space is available in the program  
*Space is limited to 10 participants at any one time.*

The District Attorney, Parole and Probation, or Lifeways has authority to veto the admission of any person in the program if, in that agency's judgment, community safety will not be furthered by the candidates participation in the program.

Team members are encouraged to bring any information from their agency to the admission review. The Team may consider the following factors in determining whether to accept the applicant into the program:

- a. Attitude and demeanor
- b. Severity of addiction
- c. History of violent behavior not resulting in criminal convictions
- d. Conduct while incarcerated
- e. Prior history of treatment
- f. Family history, including involvement in present and past offenses by family members and significant others
- g. Pending Juvenile Court matters
- h. Applicant's motivation to change
- i. Factors indicating ability to comply with program requirements
- j. Barriers to successful completion such as financial situation, distance from treatment, employment status, disabilities, and uncooperative relatives or significant others, severely delinquent child support.

The Team will vote on the applicant. In the case when the vote is not unanimous, the Mental Health Court Judge will make the final decision.

#### **F. Circuit Court Probations**

At sentencing on new charges or disposition of a probation violation, the District Attorney or defense counsel will notify the Court whether a case appears to be appropriate for the Mental Health Court Program. The Circuit Court Judge has the option of imposing probation conditions requiring participation in the Mental Health Court Program. A minimum probation term of 18 months must be imposed for a person to be eligible for the Mental Health Court Program.

#### **G. Treatment Planning**

Upon admission the Treatment Team consisting of Lifeways, Parole and Probation, and the Mental Health Court Judge shall develop a Treatment Plan for the individual. The Plan shall contain:

1. Parole and probation supervision contacts at least twice a week
2. Compliance with the Mental Health Court service contract
3. Compliance with general and special conditions of probation
4. Evaluation criteria that the Team will use to evaluate the client's progress on the client's report card.

The Plan may contain:

1. Alcohol and drug testing requirements for clients with probation conditions prohibiting the use or possession of intoxicants;
2. A medication management plan;
3. Supported employment plans;
4. Day programs and / or reporting
5. Housing assistance or planning;
6. Money management planning and payee assistance; and

7. Any other service or assistance that is in the best interest of the client or required to safeguard public safety.

#### **H. Alcohol and Drug Testing Policy**

Participants with a probation condition prohibiting the use of intoxicants shall be tested for intoxicants. The participant shall not be told in advance when the test will be taken. The Team shall make plans to insure that the testing is scheduled in the weekly staffing. The Team's goal is to facilitate the testing around scheduled client events and sufficient random contacts so that the participant cannot plan drug or alcohol use around a predictable schedule.

Positive tests will result in sanctions. Missed tests will be treated as failed tests.

If a participant contests a positive urinalysis, he or she can request the test be sent to a lab for GCMS testing for a cost of \$25.00. This fee will be refunded with three free UA coupons (\$30 value) if the results from the lab are negative for restricted or illegal substances.

### **V. TEAM STAFFING**

#### **A. Time and Place**

The Team will meet every other Thursday at 10:00 AM to staff Mental Health Court cases and consider pending petitions for admission to the program.

#### **B. Order of Business**

1. Compliant participants
2. Noncompliant/sanction participants
3. New applicants

(Unless the Judge presiding over the session wishes to handle cases differently.)

#### **C. Awards Ceremony**

The awards ceremony shall be held in months where there is a fifth Thursday in the month. The purpose of the awards ceremony is to recognize and celebrate the participants' accomplishments.

### **VI. PROCEDURE AFTER ACCEPTANCE**

#### **A. Probation Officer**

All participants in Mental Health Court will have a probation officer assigned to them, who will monitor compliance with program requirements, make appropriate referrals and provide guidance and supervision to the participant. The probation officer will have the responsibility of making frequent home visits, coordinating the testing of urine, blood or breath, making appropriate referrals to social services and treatment programs and reporting to the Court on the progress of the participant.

## **B. Court Appearances**

Participants will appear at Mental Health Court. Participants should be appropriately dressed and groomed, and prepared to discuss their progress since the last Court session with the Judge.

## **VII. SANCTIONS**

### **A. Rewards and Sanctions**

Treatment Courts work best when the emphasis is on rewarding and praising participant achievements. However, sanctions are a part of the program to insure compliance, public safety, and accountability.

Rewards include but are not limited to:

1. Dove Unique Boutique Coupons
2. Pool passes
3. Reduction in fines
  - a. The Court shall impose fines and suspend the fines pursuant to the Mental Health Court's policy. The Mental Health Court Judge may recommend to the Circuit Court Judge a reduction in the amount of fines as a reward for progress. If fines are reduced by the Circuit Court Judge, the reduction shall be tracked in the client's file and the client's notebook at Mental Health Court sessions.
4. Candy bars
5. Movie passes
6. Vouchers for supervision fees or drug tests
7. Hair cuts
8. Food and restaurant items
9. Star Awards to be designed by the Team to recognize measurable progress such as medication management, made appointments, sobriety, clean U/As, and other measures as set forth by the Team
10. Any other reward appropriate for the client that can be obtained

The Coordinator is responsible for obtaining reward items as donations or purchasing the items with Mental Health Court funds.

Sanctions include but are not limited to:

1. Verbal warning
2. Have the participant describe the situation, his/her behavior, why it was "bad". This could also be a written assignment
3. Community Service
4. Work Crew
5. Thinking Reports as given in UNIO
6. Jail
7. Work Release Center
8. Any other sanction that is in the best interest of the participant or public safety.



## **B. Evaluations**

The Coordinator shall gather information regarding a participant's success in the community compared to the control group<sup>1</sup> including:

1. Adverse police contacts
2. Positive police contacts
3. Jail beds used
4. Clean alcohol and drug tests
5. Dirty alcohol and drug tests
6. Unplanned emergency medical care relating to the client's mental illness
7. Positive crisis contacts by Lifeways
8. Negative crisis contacts by Lifeways
9. Arrests
10. Convictions for new crimes
11. Convictions for violations
12. Adverse court appearances

## **C. Probation Officer Options**

In the event a participant violates a condition of Mental Health Court probation, the probation officer may do one of the following depending on the severity and frequency of the violation:

1. Impose a sanction that is effective immediately.
2. Submit a violation report to the Justice Court and the Circuit Court so that the matter can be handled as a formal probation violation.
3. Take the participant into custody to be held in jail until he or she can see a Circuit Court Judge.

## **D. Violations Described**

Violations include, but are not limited to, failure of or refusal to submit to drug or alcohol testing, un-excused absences from treatment sessions, failure to attend required meetings, "no shows" for appointments with probation officer or member of Treatment Team, or failure to comply with sanctions.

## **E. Failure to Attend Court**

Failure to attend a Mental Health Court session will result in immediate issuance of a warrant of arrest.

## **F. Termination for Repeated Violations**

A violation of the conditions of Mental Health Court contract or commission of a new crime may result in termination from Mental Health Court. The Team shall document the reasons for termination, and the probation officer shall file a probation violation based on the termination.

## **G. Determination of Sanctions**

Sanctions will be determined on a case-by-case basis, what works for one participant may not work for the next. Sanctions imposed should increase in severity due to increased violations.

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<sup>1</sup> The control group is persons that appeared to be initially eligible but refused to participate or persons that appeared to be eligible but were refused entry because of space limitations.

If the participant maintains complete compliance with all Mental Health Court terms, the sanctions may reduce in severity.

#### **H. Strict Compliance**

The participant will be put on Strict Compliance if he or she is deemed to be not making significant progress in the Mental Health Court Program and the Mental Health Court Team feels the participant is not participating at a level that is appropriate for his/her abilities. While on Strict Compliance, the participant must comply with all of the requirements of the program without fail. If continued violations occur, the participant could be terminated from the program. Strict Compliance generally lasts 60 days unless otherwise deemed by the Team to lift the Strict Compliance or extend it.

Failure to comply with all Strict Compliance requirements could result in termination from the Mental Health Court Program. Those rules are as follows:

1. No positive urinalysis (UAs) for illegal drugs, no possession of restricted or illegal drugs or positive intoxilyzer results for alcohol.
2. No missed UA or intoxilyzer dates.
3. No missed group sessions or community support meetings, such as AA or NA or similar meetings.
4. No late appearances for group or other meetings, and court appearances.
5. No missed court appearances.
6. Weekly reports from Lifeways.
7. No drinking of any alcoholic beverages, including so-called non-alcoholic beer or wine.
8. No use of narcotic or alcohol based medications or cold remedies. Ask your doctor or your treatment provider for an alternative.

#### **I. Program Compliance**

1. Participants must comply with all of the requirements of their treatment program to be successful in treatment. Failures to comply such as missing assignments, disruptive, rude or inappropriate behavior during treatment sessions, or not participating actively in discussion sessions may be handled by the treatment provider and probation officer by adjusting individual program requirements.
2. Behavior in treatment and compliance with program requirements will be discussed by the Treatment Team prior to Mental Health Court sessions. Participants should be prepared to address their conduct with the Judge, no matter what consequence may have been imposed by the probation officer and treatment provider.

#### **J. Absconds**

Participants who abscond supervision will be placed on inactive status and a warrant issued for his/her arrest for failure to appear. Participants who have been on abscond status for 60 days or longer will be terminated from the program subject to readmission if allowed by the Team.

#### **K. Medical Exceptions**

Pregnant women and other persons who have medically verified conditions prohibiting or

restricting participation in Work Crew may serve a Work Crew sanction by performing appropriate Alternative Work Crew as directed/approved by the Probation Officer.

**L. Curfew**

A curfew of 10:00 PM to 6:00 AM will be imposed for all participants unless prior arrangements are made with the supervising Probation Officer. The curfew will not restrict work schedules or if a participant needs to seek emergency medical attention for him/herself, his/her children or a significant other who resides in the same home.

**VIII. CONFIDENTIALITY**

**A. Files**

Mental Health Court files will be kept separate from other files. Mental Health Court files will not be a matter of public record. The files will be treated as confidential treatment records, and access to them will be limited to the Mental Health Court Treatment Team. Upon completion of treatment, the Mental Health Court file will be sealed

**B. Staffing Sessions**

The staffing sessions will be limited to Treatment Team members, persons not on the Team but whose assistance is needed to serve the client, and attorneys for new applicants. All matters considered in the staffing are confidential, and will not be discussed or disclosed by the Team members outside of the staff, except as required by agency supervisors, other Team members unable to attend the session or providers as necessary for treatment purposes.

**C. Mental Health Court Proceedings**

1. Who May Attend – Mental Health Court proceedings will generally be limited to participants, new applicants, family members with the consent of the participant, Team members, Steering Committee members and invited guests. The proceedings are not Court sessions open to the public, and all persons present will be cautioned by the Court at the beginning of each session to observe the following rules regarding confidentiality:
  - a. All matters discussed in Mental Health Court are confidential and should not be discussed outside of the Court session.
  - b. The identity of Mental Health Court participants is likewise confidential, and should also not be discussed.
2. News Media - Members of the news media may only attend at the invitation of the Court and report on or photograph participants upon written release of the participant. Media shall sign a Confidentiality Agreement prior to attending and reporting on Mental Health Court sessions.

**D. Recordkeeping for Statistical or Other Purposes**

Nothing in this section will limit the program from keeping detailed records for statistical purposes. Participants should not be identified by name in these records.

## **IX. TERMINATION FROM PROGRAM**

### **A. Time and Place of Decision to Terminate**

Participants will be terminated after a decision by the Treatment Team at Staffing pursuant to this protocol. The reasons for termination shall be set forth in writing, and attached to any Circuit Court revocation filings.

### **B. Reservation of Rights by District Attorney in cases of Deferred Sentencing**

If a participant has not been sentenced and is terminated from the program, the District Attorney retains all options including calling for a PSI and/or recommending a departure from sentencing guidelines. The participant is entitled to a hearing where the participant can challenge the basis for the termination from the Mental Health Court Program.

### **C. Procedure**

A participant who has been terminated will be notified of termination. The matter will then be set for a regular Circuit Court appearance, to be held on the record as soon as practicable. The participant will be cited to appear or remanded to custody if not already incarcerated.

## **X. FORMS**