

## **MENTAL HEALTH COURT**

The **GOALS** of the Mental Health Court (MHC) are to:

- Protect public safety
- Reduce the use of jail and repeated interaction with the criminal justice system for mentally ill persons
- Connect or reconnect mentally ill persons with needed mental health services
- Improve their likelihood of ongoing success with treatment, their access to housing or shelter, and linkages with other critical support

One core philosophical foundation of the MHC is that courts have a larger responsibility to the public than simply processing cases. MHCs are part of a movement toward making courts more accountable to the public, with an emphasis on treatment intervention, on problem solving instead of litigation, and on long terms solutions. The MHC is based on a core belief that what is in the “best interests” of the defendant, the victims, and the general public goes beyond a resolution of the immediate legal dispute. MHC seeks to address the root causes that contribute to the involvement of the defendant in the criminal justice systems in the first place.

**POPULATION SERVED/ELIGIBILITY/EXCLUSION.** The key issue is whether the alleged criminal activity is related to or caused by mental illness. MHC defendants may have any type of charge, except Driving Under the Influence, presently excluded because of the way in which those sentencing obligations are currently supervised. The defendant may be a first time offender or have a lengthy record. They may have any type of serious mental illness, be developmentally disabled, have a brain injury, or suffer from dementia.

**REFERRAL.** Cases involving mentally ill defendants who choose to participate in the MHC are diverted from the regular court process either at first appearance, later in the pre-trial stage, or at probation review. Whatever legal obligations a defendant has in the Court are then all handled in the MHC. If a defendant chooses not to participate in the MHC, but is an appropriate candidate, he or she may still be referred at a later date. If a defendant is having a difficult time complying with probationary conditions imposed by a trial court, probation staff may recommend that his or her case[s] be transferred to the MHC to address his mental health needs and the need for closer supervision.

Upon being booked into jail, if a defendant consents, the MHC's mental health staff immediately learns about his or her history in the mental health system, checks on medication compliance, housing, family support, and language needs. Additional information about other pending criminal cases is quickly gathered. If the defendant is not enrolled in the mental health system, that process is immediately initiated by arranging an intake appointment. If the defendant is already enrolled, the case manager is contacted, notified of the arrest, and asked for information on an appropriate treatment plan.

**SERVICE DELIVERY MODEL.** The MHC will use a long term, defendant based, problem solving view of the best interests of the defendant, victims, and the public. If a resolution of the case is not immediate, conditions of release with a discharge plan and specific mental health treatment obligations are ordered. These conditions also include such things as no contact orders, no weapons, no drinking and no violations of the law. If

housing is not available, the MHC uses short term respite beds specifically set aside for this purpose at a nearby shelter. Since the defendant is quickly connected or reconnected with mental health services, shelter and support, he or she will not spend more time in jail because of his mental illness than do other defendants booked on similar charges.

If the defendant is also in need of inpatient drug or alcohol treatment, and shows a desire to try, the MHC uses designated priority beds to get him or her quickly into treatment. If the defendant opts into the MHC and enters into a disposition of the case, he or she is engaged with the MHC for up to two years. This will include treatment obligations, and intensive monitoring by dedicated probation staff assigned to the MHC who have expertise in dealing with mentally ill offenders. That monitoring literally begins in the courtroom, where the MHC judge goes over the obligations with the defendant and introduces him or her to the probation counselor, who will work with the defendant throughout the duration of his participation in the MHC.

Review of the defendant's compliance, with the case manager's ongoing involvement, occurs in the MHC for two years. Review hearings are held as often as are needed to keep the defendant on track.

**EVALUATION.** From January through December of 2000, 464 individuals, with 721 cases, each with multiple hearings, were seen in the MHC. Most defendants seen during this time were male, between the ages of 30 and 60, and Caucasian. The most frequent mental illnesses seen were bipolar disorder, schizophrenia and schizoaffective disorder. Two thirds of the defendants also had drug or alcohol addictions, and the majority of them were homeless. The charge types reflected nearly all misdemeanors, with the most frequent being assault, theft, harassment, trespass and property damage. Nearly three quarters had at least one prior case in the Court.

The warrant rate for failing to appear for court hearings was extremely low, reflecting the approaches of immediate monitoring, "wrap-around" services, personal knowledge about the defendants and next day hearings.

More than two thirds of all those who "opted in" to the MHC continued to be successfully engaged in treatment at the end of their first year.

The average number of jail days served per booking increased for individuals who were re-booked into jail subsequent to their MHC involvement.

## **COMMUNITY REINTEGRATION PROGRAM**

The County Department of Mental Health, through the Mental Health Court Community Reintegration Programs, offers an alternative to incarceration for severely mentally ill defendants who desire treatment. The **GOAL** of the Community Reintegration Programs is to reduce recidivism and to reintegrate clients into the community with the skills and resources necessary to maintain stability.

**ELIGIBILITY.** Mentally ill defendants being considered for alternative sentencing with the Community Reintegration Program should meet the following minimum qualifications for consideration:

- History of severe and persistent mental illness
- No major medical problems
- Be between the ages of 18 and 60
- Candidate must volunteer for placement and agree to participate in all aspects of treatment
- Candidates should be stable enough to actively participate in treatment
- Candidates should demonstrate a history of medication compliance
- Candidates must agree to provide Social Security income as payment for treatment
- Minimal history of violence – serious charges including rape, and murder, will not be considered, as well as convictions requiring registration
- Candidates must demonstrate an ability to live in a group setting while in custody and should not have any behavior problems while in custody
- Length of stays between 180 and 365 days

**REFERRAL PROCESS.** Mentally ill defendants in need of alternative sentencing may be referred to the Community Reintegration Program through their defense attorney. The referral process is as follows:

1. Initiate the referral process, pre-sentencing, with the Community Reintegration team;
2. Provide copies of police, probation, and/or psychiatric reports;
3. Continue case for 2 weeks to allow for a face to face interview and case conference;
4. If defendant is accepted, during sentencing complete Program court order including length of stay

Upon receipt of the court order, Community Reintegration staff will coordinate transportation of the defendant to the designated facility. Each client's progress at the treatment facility is monitored closely by the Mental Health Court Program liaison. Non-appearance written progress reports from the treatment facilities will be made available to the court every 90 days.

Individuals who do not cooperate with treatment will be returned to the jurisdiction of the court. Behaviors that trigger a return to court include: aggressive behavior, noncompliance with any aspect of treatment, substance use and personality disordered behaviors (Axis II) that disrupt the milieu of the program.

**SERVICE DELIVERY METHOD.** The Department of Mental Health contracts with two private facilities to provide community reintegration services. These two programs provide an array of services specifically tailored for mentally ill persons exiting the legal system including:

- Individual and group therapy
- Medication management
- Social and independent living skills training
- Benefits establishment
- Substance abuse treatment
- Discharge planning and case management
- Sheltered Workshop (Gateways only)

## **SELF-HELP PROGRAM**

### **GOALS AND OBJECTIVES**

The anticipated benefits of providing more self-help resources to litigants are:

- Improved quality of hearings, as pro se litigants with access to self-help centers will have more accurate paperwork and be better prepared for court;
- Increased access for non-English speakers, as some self-help resources are available in several languages;
- Improved trust in the court system as a result of better understanding of court procedures and more control over the process.

**ELIGIBILITY.** You must live in the County or have a court case in the County to use these services.

There are no financial eligibility requirements at this time to prevent litigants from seeking assistance. The Self-help Center is unable, however, to assist litigants represented by an attorney.

### **SERVICE DELIVERY MODELS**

The Court provides walk-in services for self-represented parties (pro se) at two Self-Help Center locations. Services are also available at Conciliation Court, Housing Court, and the Domestic Abuse Service Center.

Self-help services available at the court

- Forms and written instructions (some fees may apply)
- Videos on how to represent yourself in court
- Online tools for filling out forms
- Brief legal advice from volunteer attorneys
- One-on-one help about court procedures
- One-on-one review of court forms
- Referrals to community resources and legal services
- Staff speak Spanish, Somali, and French

The Self-Help Center provides the following information:

- Explains the Court process
- Provides instructional information regarding the preparation of documents in family law matters
- Provides court forms and information regarding local court rules
- Provides referrals to Family Court Services, the Prosecutor's Offices, the Family Law Facilitator's Offices, various non-profit family law organizations, guardianship clinics and other community agencies
- Provides the viewing of instructional self-help videos with corresponding form packets
- Provides access to the Internet and reference materials

The Self-Help Center provides family law information, referral, and assistance to the public. In conjunction with other family law service providers at the court, the Center

provides legal forms and procedural guidance in the following areas: marital dissolution (divorce), legal separation, annulments, summary dissolutions, paternity, and domestic violence prevention cases. Within these cases, assistance can be sought in many areas including child custody and visitation, child and spousal support and limited property issues.

The office staff, consisting of attorneys, paralegals and support personnel, does NOT give legal advice or represent any particular litigant. No confidential or attorney-client relationship is created or intended between the Center and any litigant. As there is no confidential relationship, the office staff may assist both sides of the same case.

## **EVALUATION**

One of the best measures to evaluate the program's success is a summary of the numbers of self-represented litigants who have contact with the program each year- a number that drastically increases annually.

A significant benefit of the program is the increased quality of documents presented for filing. Clerk's Offices are less impacted by forms that are incomplete or completed incorrectly. As a result, when cases appear before the Court, they are more likely to be procedurally correct, which speeds up the disposition of cases, reducing the number of continuances needed to correct a procedural defect.

Participants are provided an evaluation survey with questions addressing the key objectives the program are designed to meet. The evaluation attempts to get participants to focus on what effect the help provided to them has had on their ability to move forward with their case, felt more confident, and have a better understanding of the court process. Since the inception of the program over 91% of the participants who followed through with filing their Petition were able obtain a final ruling or order on the petitioned matter and bring their matter to conclusion.

## DUI COURT

The **PURPOSE** of the DUI court is to provide the framework to change people's destructive and illegal behavior.

The program has grown significantly through success. It stays true to its original **MISSION** to enhance public safety by providing defendants with the tools to change their behavior.

**POPULATION SERVED/ELIGIBILITY/EXCLUSION.** Eligible defendants, who already have been convicted of their crimes and served their prison terms, are ordered by the court to attend DUI Court, which combines punishment, probation and substance abuse treatment. Participants are mainly repeat offenders, with two or more arrests for alcohol-related driving offenses. No one who has committed an offense involving violence, injury or death is eligible for the DUI Court program.

**SERVICE DELIVERY MODEL.** Based on the adult drug court model, the voluntary program provides participants with professional assistance to address their chronic alcohol abuse issues. In addition to sobriety, the program emphasizes rebuilding family ties, maintaining employment and a stable living environment, and pursuing educational goals.

Success in the DUI Court program is achieved through teamwork. The DUI court involves a partnership that includes the Court, the Probation Department, Health Care Agency, the District Attorney, the Public Defender, the Social Services Agency, and a number of law enforcement and community agencies. Everyone involved—the judge, prosecutor, defense attorney, probation officer and a treatment professional—discuss each case together to monitor progress and problems. It usually takes about a year to complete the program.

Success and Graduation – The individual must have been clean and sober for six months and be employed or attending school. He or she must also have successfully completed all court-ordered treatment, counseling sessions, appointments with his or her probation officer, and other program requirements.

**EVALUATION.** In 2007, a total of 203 people were admitted to the program, and 91 participants graduated. The DUI Court program resulted in the saving of a total of 9,430 jail bed days, for a total savings of \$826,256.60. Since inception, the DUI Court program has saved \$1,725,938.76 in jail bed costs. Of the 201 people who have graduated from the DUI Court program, only four have been re-arrested for drunk driving. In addition to the direct financial benefit, there is the tremendous savings in human lives that results from reforming repeat drunk drivers, who, if given enough time, will likely end up causing death or serious injury to themselves or innocent victims.

**DUI COURT  
SUMMARY OF ADMISSIONS — 2007**

Number of participants (12/31/06)	138
Number admitted (1/1/07-12/31/07)	127
Transfers In	8
Transfers Out	31
Number of participants terminated	46
Number graduates (1/1/07-12/31/07)	81
Number of participants (12/31/07)	113
Number of active warrants (12/31/05)	4
Jail Bed Day Savings	8,393 bed days
Incarceration Cost Savings:	
jail bed days x \$87.62 jail bed day cost = \$735,394.66	
(Jail bed day cost calculated by averaging the daily cost of the five different county jail facilities.)	
Drug Free Babies	1

## **ELECTRONIC COURT RECORDS AND E-FILING**

**OBJECTIVES.** Benefits of using electronic court records include:

- more than one person can view the same court record at the same time from different locations;
- an electronic court record is not going to be misfiled or lost;
- The time required to access a court record is measured in computer time, not in the hours or days required to order, locate, retrieve, check-out, deliver, return, check-in, and re-shelve paper records;
- The electronic case record is inherently more secure; and
- The delivery of an electronic court record can be made more secure than a physical delivery.

E-filing will allow courts to more quickly process cases, reduce the number of errors in court data, and enhance the productivity of court administration staff resources. The end result of these practices will be more timely access to accurate information by the public and a more efficient court system.

**PARTICIPATION.** All documents filed with the court are scanned and indexed for easy access.

E-Filing is voluntary. E-Filing can be used to send documents electronically to the Court Clerk's Office for processing and entry into the official case file. E-Filing allows you to:

- Initiate new cases in the Court, paying filing fees on line;
- Complete on-line forms and E-File them in a case file;
- Electronically sign and E-File a PDF or imaged document (sealed or open);
- Opt in to receive service electronically from other parties in the case;
- Electronically serve e-filed documents on other parties to the case (if they have opted in).

Parties who are not represented by an attorney can continue to file documents in the traditional paper format, and the Clerk of Court shall scan and upload certain paper filed documents to the e-filing system. Counsel shall transmit documents to pro se parties or personally serve the parties as required by the Rules of Civil Procedure.

**SERVICE DELIVERY MODEL.** Electronic case initiation, or e-filing, is the ability of external parties to file documents with the court in an electronic format, eliminating the need for manual receipt and entry of these documents by the courts. Most information needed to initiate a case in a court is already contained in documents prepared by lawyers or litigants in electronic form.

What tools do I need to E-File? You do not need special software. E-Filing uses your Web browser and works with any operating system.

To E-File, you first set up your own User LoginID, Password, and PIN, a one-time step.

The Court accepts E-Filings if they are in PDF or TIF format. Your e-filing must be for a valid case and it must be virus-free, unlocked, and unencrypted. You can submit documents for E-Filing at any time, but they will be officially date/time stamped based on when the Clerk's Office is open (8:30 to 4:30, M-F, except for holidays) to review and

accept the document. The E-Filing application is running most of the time, including nights and weekends, except when down due to data backups, maintenance, or technical problems.

### **EVALUATION.**

Impacts of the switch to electronic court records include:

- Elimination of tasks and positions in the clerk's office related to locating, ordering, retrieving, check-out, delivery, return, check-in, and re-shelving of paper records;
- Fewer missing or lost files or documents;
- Fewer request at the courthouse to inspect court records and obtain copies – increase in "hits" on the web site allowing remote access to electronic records.

The e-filing program has been monitored based on several success measures:

- Number of documents filed electronically;
- Number of cases on the system;
- Number of registered users;
- Number of trained users;
- Help desk calls;
- User satisfaction, based on a survey

## **COLLECTIONS PROGRAM**

### **OBJECTIVES.**

Enforcement of court orders, in particular, by requiring the timely payment of restitution, fines, and related assessments:

- Increases respect for the court and court orders;
- Enhances the court's legitimacy;
- Raises public revenues;
- Makes defendants accountable for their behavior by repaying a debt to society.

### **PARTICIPATION.**

- All payment options will be permitted for anyone owing an amount of restitution, fine, or assessment within the first year after the order was entered.
- Collections efforts will not be pursued for defendants sentenced to state prison.
- Amounts still owed after one year will be referred to a private collections agency.

### **SERVICE DELIVERY MODEL.**

Defendants can pay fines through any of the following methods:

- Coming to the courthouse and paying the fine, or a portion, with cash, check, credit, or debit card;
- Mailing in a payment;
- Paying an amount through the court's internet site using a creditor debit card;
- Paying an amount over the phone through an IVR system by credit or debit card; or
- Intercept of the defendant's tax refund or rebate or lottery winnings.

### **EVALUATION.**

Examples of types of information and measures for court collection program:

- Total amount of Revenue collected, and amount collected for each category of fine, penalty, or restitution
- Number of new accounts opened
- Number of cases where all amounts were paid
- Total revenue collected from tax refund intercept and lottery intercept
- Amount of outstanding, uncollected revenue
- Percentage of fines collected in the first 90 days after the court order;
- Cost of collections program
- Ratio of revenue to costs