

# RECOVERY WITH JUSTICE

## SPRINGFIELD SPECIALTY COURT: MENTAL HEALTH SESSION

### Overview

The **Springfield Specialty Court: Mental Health Session** is a grant funded program designed for individuals who are competent to stand trial and have disposed of their criminal case by an admission to sufficient facts or guilty plea and have been placed on post-disposition probation. The Springfield Specialty Court: Mental Health Session is a court imposed condition of probation for defendants before the court who have serious mental illness or co-occurring mental health and alcohol/substance abuse issues.

This program is a special condition of post-disposition probation, and participants are required to actively and meaningfully participate in community based treatment for a minimum of 3 months in conjunction with regular reviews by the Specialty Court Team. Probationers agree to participate in aftercare treatment as well as follow-up interviews. This program provides individuals with an alternative to incarceration that would under normal circumstances be incurred. It also provides support for individuals placed on probation, who are at increased risk for violating the terms of probation. The Judge presiding over the **Mental Health Session** is the final decision maker.

### Brief History

The **Springfield Specialty Court: Mental Health Session** grew out of a discussion among a group of involved organizations brought together initially by the Superintendent of the Hampden County Correctional Center. The focus of this discussion was on how best to respond to individuals with mental illness or co-occurring mental illness and substance abuse disorders who are appearing before the Court and who often recidivate due to disconnection from community services. The original group consisted of members of the Judiciary, the Hampden County DA's office, Committee for Public Counsel Services (CPCS), Bar Advocates, Probation, Department of Mental Health, the Hampden Sheriff's Department, and Behavioral Health Network (BHN). Very quickly consensus was reached that a case manager would be an important part of any effort to address the needs of individuals with mental illness or co-occurring mental illness and alcohol/substance abuse problems appearing before the Court. As a result, BHN pursued a grant from Blue Cross/Blue Shield Foundation to support a case manager position out of the Adult Court Clinic. After successfully obtaining the grant in early 2009, an advisory council was formed to have oversight over a budding mental health session. The advisory council, consists of two Associate Justices, the Chief Prosecuting Attorney in the District Court, members of CPCS, Chief of District Court Probation, the DMH Area Forensic Director, the Assistant Superintendent of the Hampden County Community Safety Center, the Clinical Director of the Hampden County Correctional Center, supervising attorney for Hampden County Bar Advocates, a vice president from BHN, the program director and court coordinator of the BHN Adult Court Clinics, and the newly hired case manager. Members of the advisory council visited a mental health court in

Keene, New Hampshire, reviewed literature from mental health courts around the country, and set to work developing the **Springfield Specialty Court: Mental Health Session**.

## **Mission Statement**

To provide an alternative to incarceration in the Hampden County Correctional Center or the Women's Correctional Center, and in some situations, legal fines for qualifying offenses committed by individuals who reside in Hampden County, who have a serious mental illness or a mental illness and a co-occurring alcohol/drug abuse problem that influenced the committing of the offense(s). This program is imposed as special condition of a defendant's post-disposition probation. The goals of the **Springfield Specialty Court: Mental Health Session** are to maintain community safety, to provide opportunities for personal development and to reduce recidivism.

## **Program Components**

### Admission Criteria

- 1) Potential clients must be 17 years or older with charges in Springfield District Court, and facing possible incarceration.
- 2) Potential clients may be individuals already on probation and at risk for violating probation or facing a V.O.P.
- 3) They must have a history of a verifiable serious mental illness or presenting with symptoms suggesting a mental illness (e.g., Schizophrenia, Bipolar Disorder, Major Depression, Posttraumatic Stress Disorder)
- 4) They may also have a co-occurring confirmed or suspected alcohol or other drug use problem in addition to their mental illness.
- 5) All clients must demonstrate a voluntary willingness to participate and accept all program requirements, and not pose a safety risk to the population at large.
- 6) All participants must be competent to sign releases and give consent to participate.
- 7) All clients must sign releases of information allowing members of the **Springfield Specialty Court: Mental Health Session** team to communicate freely.
- 8) Clients will be individually screened prior to admission to determine appropriateness for the program.
- 9) Participation in this program is tied to post-disposition probationary conditions.
- 10) The sentencing judge has the final decision regarding whether an individual is admitted to the Specialty Court.

### Exclusionary Criteria

Exclusion criteria will include: assault and battery with or without a dangerous weapon resulting in injury may be excluded on a case by case basis, charges involving arson or sex offenses are excluded, charges involving operating under the influence are excluded. Individuals exhibiting active psychotic symptoms that impair a person's ability to decide whether or not to participate

in the program, or exhibiting active suicidal or homicidal ideation, necessitating psychiatric hospitalization are not eligible\*

\*In the event that a person who otherwise would be appropriate for the program is unable to participate because of acute symptoms of mental illness, once they are psychiatrically stabilized they can be reconsidered for the program.

### Referral Process

All referrals to the Program will come from within the criminal justice system. Prosecutors, Defense Attorneys, Springfield District Court Judges, staff from the Hampden County Correctional Center, and Women's Correctional Center are encouraged to contact and discuss potential program participants with the Adult Court Clinic to initiate the referral process. Then, the prospective participant and his/her defense attorney will complete a referral packet that includes signed releases of information, CORI, discovery and available mental health records. This complete packet is then submitted to the Adult Court Clinic, where the case manager will review the referral packet.

### Screening

All referrals will undergo a screening process to determine the appropriateness of the referral to the program. Once a complete referral packet is received, a screening will be scheduled with the case manager. The screening will consist of a brief mental status evaluation and determination as to whether the individual is sufficiently psychiatrically stable to participate in the treatment planning process. During the screening interview, the program will be explained. If the client chooses to participate in the program, the individual will be required to complete releases of information allowing information to be shared among the program, the individual's outpatient providers, and the individual's defense attorney. The outcome of the screening will be reported to the individual's defense attorney. If a defendant is determined appropriate for the program, then as part of the final disposition of his or her criminal case, by an admission to sufficient facts or a guilty plea, the defendant may request that the Court, as a special condition of his/her probation, order participation in the **Springfield Specialty Court: Mental Health Session**. The final decision to any conditions of probation is determined by the Court.

### Intake Process

Once an individual is deemed appropriate, and ordered into the session, a comprehensive assessment will be scheduled. This assessment takes place at the Springfield District Court; Adult Court Clinic office, Behavioral Health Network Clinic, the Hampden County Correctional Center, or Women's Correctional Center and will take one and a half hours to two hours to complete. During the comprehensive assessment the individual will be asked to sign releases of information allowing the sharing of information among representatives of the Defense, Probation, outpatient providers, DMH, and the Court Clinic. The results of the comprehensive assessment will be used in developing a service plan to address mental health and substance abuse issues and to determine the appropriate level of care and treatment needs.

### Individualized Service Plan and Referral to Community Resources

Based on the results of the comprehensive assessment, the case manager and the client will reach an agreement regarding level of care and which community based agencies or private service providers will be used to facilitate and support the client in positive life style changes. This preliminary service plan will be presented at the next scheduled Court review, and it will be subject to modification by the Judge. The client will be requested to sign an agreement form stating she/he will fully participate in all of the assigned requirements. Participation in this program will be tied to probationary conditions.

The service plan may include outpatient mental health treatment (e.g., individual therapy and/or group therapy, day treatment or partial hospitalization programming), psychiatric medication, inpatient or residential substance abuse treatment, outpatient substance abuse treatment, referrals to educational/vocational training programs, cooperation with case management, and regular court reviews. If deemed necessary a client may be referred to a psychiatrist to determine if a psychopharmacological intervention is necessary to enhance treatment success. If necessary the client will be required to follow all medication regimens as prescribed. The client may also be encouraged to seek assistance from other community agencies - such as housing agencies, welfare, etc. as determined by his/her individual needs. The Case Manager will monitor the individual's level of compliance with the service plan. The Case Manager will have ongoing communication with all existing and newly referred treatment providers. The Case Manager will report to the Court a summary of participant's progress and compliance with his/her individual service plan. The Case Manager will also provide updates directly to the probation department between sessions as necessary.

The service plan will be revised and modified depending upon the individual's needs. Revisions to the service plan will be presented to the Court during a regular session, and it will be subject to modification by the judge.

### Random Drug and Alcohol Screens

All participants will agree to remain alcohol and drug free for the duration of their participation in the program. Random alcohol and drug screens will be administered by the Springfield District Court Probation Department throughout the participation period. Failure to comply with any of the conditions of probation may result in a notice of violation of probation, revocation of probation, and/or imposition of sentence to the House of Correction.

### Rewards

Potential rewards for cooperation and progress include:

- 1) Public recognition during Court review
- 2) Reduced frequency of appearances before the Court
- 3) Certificates of completion

#### 4) Avoidance of Jail

#### Non-Compliance

Failure to comply with any of the conditions of probation may result in increased treatment intensity, in the probationer's detention, revocation of probation, and/or imposition of sentence to the House of Correction. Participants who face possible sanctions that include possible loss of liberty are afforded legal representation during the session. CPCS has agreed to have an attorney present at each session to afford any participant the opportunity to consult with a lawyer.

Probationers may be sanctioned for the following infractions, among other violations:

- 1) Missing two or more meetings with the case manager while in the program.
- 2) Missing a court review session.
- 3) Not providing documentation of participation in suggested community resources.
- 4) Failure to comply with Restraining Orders.
- 5) Being re-arrested on new charges (especially violence or substance use related charges).
- 6) Continued use of alcohol or other illegal drugs or misuse of prescribed medication.
- 7) Failure to undergo requested drug screen.
- 8) Refusal to follow therapeutic suggestions including the use of prescribed medications.
- 9) Missing two consecutive outpatient counseling appointments or habitually missing appointments.
- 10) Failure to comply with all program requirements.

#### *Possible Sanctions*

- 1) Increased frequency of appearances before Specialty Court Judge
- 2) Increased level of treatment (e.g., residential treatment)
- 3) Extension of participation in Program
- 4) Imposition, or increase in frequency, of urine testing
- 5) Jail
- 6) Termination from the Program

#### Graduation

At the end of the initial three month period, if the participant has completed all requirements he/she will receive a certificate of successful completion of the program during a Court review. The minimal graduation requires are: participation in the program for at least 3 months, attending all required Mental Health Session reviews, attendance of at least 90% of their appointments, remaining medication compliant and free from alcohol abuse or drug use for 3 months.

#### Extension of Participation

Prior to the end of the initial 3 month period, the court may extend the probationer's participation in the program based on the Mental Health Session Team members recommendation in light of the individual's progress and service planning needs. The Judge will consider these requests on a case-by-case basis. Extensions must be approved by the Court.

## Follow-up Study

Following successful completion of the program and completion of probation clients will be asked to voluntarily participate in a follow-up recidivism study. They will be asked to sign an Advised Consent form giving the Program permission to request a copy of their criminal record twelve months post completion of the program. The rate of recidivism will be determined by comparing the number of arrests incurred one year prior to enrolling in the program to the number of arrests incurred one year following completion of the program. This data will be used to ascertain whether the client's involvement in the Program was beneficial to them and to the community at-large. Outcome data will be used to apply for Federal, State and local grant money to expand programming and or to continue financing current program levels.