

TUSCOLA MENTAL HEALTH COURT POLICIES AND PROCEDURES MANUAL

71B District Court OF MICHIGAN
COUNTY OF TUSCOLA



June 2020

INTRODUCTION

In October 2017, Tuscola County was approved for a planning grant to get a Mental Health Court (TMHC) up and running. The TMHC was designed to more effectively address the increasing number of mentally ill defendants cycling through the courts and jails. TMHC is a collaboration of the Circuit Court, MDOC Probation, Defense Attorney, Sheriff's Department, Tuscola Behavioral Health Services (TBHS), Prosecutors office and Chance for Change Drug/Alcohol testing. Our TMHC program started accepting participants July 1, 2018.

MISSION

The mission of the Tuscola Mental Health Court (TMHC) is to enhance public safety and reduce recidivism of criminal defendants who suffer from serious mental illness by connecting these defendants with Mental Health treatment services, and to connect them with appropriate community services to get back on track. The TMHC is intensive supervision combined with treatment and will assist offenders in achieve long-term stability, become law-abiding citizens, and become successful in their communities, therefore reducing recidivism and jail expenses to the community.

GOALS AND OBJECTIVES

The primary goals of the Tuscola Mental Health Court are to:

- Connect criminal defendants who suffer from serious mental illness to mental health treatment services

Objective: A connection has been made with Mental Health services through Tuscola Behavioral Health Services, in which each participant will work with the treatment provider in creation of a treatment plan, life skills, community reunification, medication compliance, anger management, job/employment skills and other various needs individualized per participant.

- Find appropriate community resources to assist the participant with daily needs

Objective: A connection has been made with a peer support through TBHS that can assist each participant with resources within their individualized daily needs. This can consist of needs such as, housing, state assistance, understanding medication compliance, income/employment, and transportation and over all support, as well as other various needs individualized per participant.

- Ensure public safety and reducing recidivism through appropriate mental health treatment and intensive supervision.

Objective: This goal will be achieved by offering the intensive TMHC as an option other than incarceration. Each individual that becomes a participant of TMHC will begin mental health services with TBHS and will have intensive supervision through both treatment, probation and both Circuit and District Courts. This will aid in reducing recidivism and increasing public safety.

- Increase collaboration between the court, city agencies, and community mental health treatment services.

Objective: A link has been made between the court, probation, defense attorney, prosecuting attorney and Tuscola Behavioral Health systems. A team has been created to aid each collaboration in maintaining contact of participants during their time within TMHC. This allows each team member to work together in assisting each participant with their individualized needs, thus reducing recidivism, jail costs and usage, and increasing public safety.

TARGET POPULATION

Adults, male or female ages 17 and older that are residents of Tuscola County and are individuals that need the intensive services of the court monitoring and treatment provided by the Tuscola Behavioral Health Systems. Must have entered a guilty plea on their charge through either the 71B District Court or the 54th Circuit Court; and be determined a Non- Violent offender by the prosecuting attorney's office.

Any probation violator who has a current violation of felony probation at Tuscola County MDOC, or any probation violator who has a current violation of misdemeanor probation.

ELIGIBILITY REQUIREMENTS

Offender Qualifiers

1. Defendant must live in Tuscola County
2. Defendant must be 17 years of age or older and charged in the adult system
3. Must plead guilty prior to sentencing
4. Defendant must voluntarily enter the program, and must be willing to abide by the TMHC guidelines
5. Defendant must be diagnosed by TBHS with a serious mental illness, serious emotional disturbance, developmentally disabled, or a co-occurring disorder, must be established independent from the other and not a cluster of symptoms resulting from one disorder.
6. Offenders must score between medium and maximum on the Compass assessment with probation.

Offense Qualifiers

1. Felony offenses through 54th Circuit Court
2. Misdemeanor offenses through 71B District Court
3. Tuscola County MDOC probation violations that are current
4. Tuscola County District Court probation violations that are current.

Offender Disqualifiers:

1. Defendant has not reached the age of 17 years as of the date of the commission of the offense
2. Defendant is a non-resident of Tuscola county at the time of program admission and does not maintain residency in said county
3. Defendant has not been diagnosed by TBHS with a serious mental illness, serious emotional disturbance, developmentally disabled, or a co-occurring disorder

4. Defendant refuses to cooperate with screening and assessment procedures, or an unwillingness to participate in required programming, or abide by program rules.

Offense Disqualifiers:

1. Defendant is a “violent offender”:
 - An individual who is currently charged with, or has or has been convicted of, an offense involving the death of, or a serious bodily injury to, any individual, whether or not any of these circumstances are an element of the offense, or with criminal sexual conduct of any degree. (MCL 600.1090(i)).
 - Each mental health court shall determine whether an individual may be admitted to the mental health court. No individual has the right to be admitted into a mental health court. Admission into a mental health court program is at the discretion of the court, based on the individual’s legal or clinical eligibility. An individual may be admitted to mental health court regardless of prior participation or prior completion status. However, in no case shall a violent offender be admitted into a mental health court. (MCL 600. 1093 (1))
2. Defendant has charges pending in other jurisdictions
3. Defendant has been previously ejected from a Mental health or other specialty court program
4. Defendant has a consistent history of aggressive behavior or harm to self or others, this will be deliberated by TMHC team
5. Defendant has a consistent pattern of absconding from probation or community supervision and /or failures to appear for court appearances, This will be deliberated by TMHC team

Each offender will be considered case by case basis. Entry into Tuscola Mental Health Court will be determined by the TMHC team, and will be taking individual needs into consideration per case.

ADMISSIONS

600.1094 Admission to mental health court of individual charged in criminal case; conditions; mental health services before entry of plea; withdrawal of plea; additional rights of victim under William Van Regenmorter crime victim's rights act. Sec. 1094.

(1) If the individual is charged in a criminal case or, in the case of a juvenile, is alleged to have engaged in activity that would constitute a criminal act if committed by an adult, his or her admission to mental health court is subject to all of the following conditions:

(a) The individual, if an adult, pleads guilty, no contest, or be convicted of any criminal charge on the record. The individual, if a juvenile, admits responsibility for the violation or violations that he or she is accused of having committed.

(b) The individual waives, in writing, the right to a speedy trial and, with the agreement of the prosecutor, the right to a preliminary examination.

(c) The individual signs a written agreement to participate in the mental health court. If the individual is a juvenile or an individual who has been assigned a guardian, the parent or legal guardian is required to sign all documents for the individual's admission in the mental health court.

(2) Nothing in this chapter shall be construed to preclude a court from providing mental health services to an individual before he or she enters a plea and is accepted into the mental health court.

(3) An individual who has waived his or her right to a preliminary examination, who has pled guilty or no contest or, in the case of a juvenile, has admitted responsibility, as part of his or her referral process to a mental health court, and who is subsequently not admitted to a mental health court may withdraw his or her plea and is entitled to a preliminary examination or, in the case of a juvenile, may withdraw his or her admission of responsibility.

(4) In addition to rights accorded a victim under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, the mental health court shall permit any victim of the offense or offenses of which the individual is charged or, in the case of a juvenile, any victim of the activity that the individual is alleged to have committed and that would constitute a criminal act if committed by an adult, as well as any victim of a prior offense of which that individual was convicted or, in the case of a juvenile, a prior offense for which the individual has been found responsible, to submit a written statement to the court regarding the advisability of admitting the individual into the mental health court.

ENTRY PROCESS

After an individual is charged with an offense, the prosecuting attorney may review the case and initially deem the possible candidate/defendant as legally eligible or legally ineligible for the TMHC program, along with case status and whether they have been involved in a prior treatment program. The possible candidate/defendant will then proceed with an assessment at TBHS. TBHS case manager will then determine if the possible candidate/defendant is eligible, per diagnosis. If deemed eligible for the TMHC program by the appropriate parties after the appropriate assessments have been completed, the candidate /defendant will be sentenced with a recommendation by the probation department to successfully complete the TMHC program.

PROGRAM LENGTH AND REQUIREMENTS

The Tuscola Mental Health Court program is designed to last 16-24 months but can last up to your entire term of probation. Remember this is an individualized program and your progress and willingness to do the program is what will determine the length of your program. The Tuscola Mental Health Court will consist of various requirements (e.g. treatment, drug/alcohol testing, 12-step meetings, community services work, Court, etc.). Included in this program will be meetings with treatment case manager and probation officer and review meetings with the TMHC judge. Orientation begins after you have been sentenced to the TMHC program.

Program requirements consist of:

- Mental Health Treatment with Tuscola Behavioral Health Systems. How often visits are scheduled is at the providers digression.
- Participate in random home checks throughout the TMHC program. This will be done by probation and /or an officer.
- Submit to Urine drug/alcohol, oral testing, SCRAM and /or PBT testing throughout the program. Best practice is minimum of 2x per week for substance use disorder and 1x per week for all other participants, this will be decided on an individual basis.
- Attend 12-step, AA or NA or support groups. This will be required per individuals needs
- Maintain sobriety from alcohol, illegal drugs, and non-prescribed medications, including medical marijuana, even if they have a medical card
- Attend court twice per month. This will be reduced per individual as they work through the program
- Complete community service hours as ordered by probation
- Maintain employment, work first programing, or education program during the program.
- Graduate and successfully complete the TMHC program
- Participants must pay all fines, costs, restitution, crime victims' fee and state minimum fee before graduating, per MCL 600.1097

INCENTIVES AND SANCTIONS

Incentives	Sanctions
<ul style="list-style-type: none"> • Praise by the Judge • Praise by the team • Applause • Gift Card • Movie passes • Tangible item • Less frequent reporting • Less frequent court appearance • Less restrictive curfew • Decreased drug/alcohol testing • Leave court session early • Fish bowl drawing • Graduation 	<ul style="list-style-type: none"> • Admonishment by Judge • No applause • Community service • Increased reporting • Increased court appearance • Writing assignment • Increased curfew • Increased drug/alcohol testing • Incarceration • No fish bowl drawing that court • Termination from the program

Positive reinforcement will accompany achievement of the program goals just as sanctions result from inappropriate behavior. Responses to behaviors will be individualized. The response will occur immediately after the behavior. The program will know and understand the individual receiving the response, this prevents participants with trauma histories or anxiety

disorders from being re-traumatized, in such situations of one person looking at an incentive as a sanction and vice versa. A delay in response lessens the importance of the individual's behavior and the programs impact for continued behavior change. Incentives are offered as tangible ways to acknowledge a client reaching a milestone or a progression that will be recognized. TMHC participants will be held accountable to the TMHC requirements and can receive a sanction. Progressive sanctions demonstrate immediate and swift consequences to negative or inappropriate behavior. Sanctions will work in cohort with ongoing treatment activities to address behavior and compliance. All team members will be notified of each violation of a TMHC requirement and will be given opportunity for their input on the sanction to be received and the judge will make the final decision on sanctions received. Violation hearings can be scheduled outside of regularly scheduled review hearings to ensure the negative or inappropriate behaviors are addressed immediately.

TERMINATION CRITERIA

The following will constitute expulsion from the TMHC program and a probation violation petition and formal violation hearing will be held, which could result in significant incarceration.

- Crime of violence
- Public safety issue
- Multiple program non-compliance which has led to multiple sanctions as determined by a team case review.
- Absconding
- Presenting danger/harm to self or others

GRADUATION/DISCHARGE

To graduate, the participant must maintain medication compliance, maintain sobriety for consecutive 90 days, refrain from getting new charges, no sanction/violations for 90 days prior to graduation, Achieved a minimum of 16 months in the MHC program, Completed Community service work requirement-If requested, attend required appointments, attended at least one year minimum of treatment with TBHS. Participants must pay all fines, costs, restitution, crime victims' fee and state minimum fee before graduating, per MCL 600.1097. A certificate of completion will be given at Final Review hearing, Coordinator will complete discharge paperwork and submit to Probation and TBHS Case Manager. Every six months a graduation ceremony will be held and offer each graduate within that time to return and celebrate each graduate.

RELEASE OF INFORMATION AND PRIVACY/CONFIDENTIALITY

All participants must consent to sign a release of information when meeting with their case manager. This allows maximum coordination of care throughout your time in the program. The TMHC program Protects participants' health and legal information in compliance with the Health Insurance Portability and Accountability Act (HIPAA) and Part 2 of 42 CFR while making information available to the court team.

All participant hard copy files are kept in a secure, restricted location and kept in a locked file cabinet. All participant information is recorded into an electronic system (DCCMIS), those team members who have access to DCCMIS have password protected access. The computers also have a password protected lock screen and kept in a locked office.

MENTAL HEALTH COURT TEAM ROLES

The Honorable Judge Jason E. Bitzer

- Act as the presiding judge over the bi-monthly court review hearings
- Work to motivate participants toward success during court review hearings, while holding them accountable for their actions
- Monitor mental health court participants' progress in relation to their case plans and utilize incentives and sanctions
- Fulfill the responsibilities of the mental health court judge as outlined in the policy and procedure manual
- Oversee team functioning

The Mental Health Court Coordinator- Elizabeth Shook

- Supervise and coordinate the day-to-day operations of the Mental Health Court
- Maintain and revise the mental health court policy and procedure manual as decided by the team and judge
- Monitor Mental Health court operations to ensure efficacy in meeting goals and objectives
- Assist with identifying potential participants and facilitate the referral process into Mental Health Court
- Coordinate the collection of team member status reports and compile a bi-weekly status report to use at the Mental Health Court review hearings
- Schedule staffing and court review hearings
- Attend bi-weekly staffing meetings and court review hearings
- Maintain records and enter data into the DCCMIS system
- Coordinate meetings within the community and trainings
- Ensure compliance with all grant conditions including the preparation of performance and financial reports
- Serve as the central source for all information and communication regarding Mental Health Court
- Fulfill the role and responsibilities of the Mental Health Court coordinator as outlined in the policy and procedure manual

The Michigan Department of Corrections/Probation Officer- Nicole Finch

- Identify potential Mental Health Court candidates by conducting criminal history checks and notifying the courts and the Mental Health Court team of the candidate's eligibility status.
- Provide pretrial supervision of potential referrals prior to placement in Mental Health Court.
- Conduct a risk assessment to determine if a candidate meets Mental Health Court eligibility and provide results to the treatment provider within two days of completing the assessment
- Monitor participation agreement and terms and conditions for all participants and reports any and all violations to the Mental Health Court team
- Conduct random drug/alcohol screens of Mental Health Court participants as needed
- Conduct all supervision duties as outlined in the Mental Health Court policy and procedure manual
- Conduct the violation process for any TMHC probation violator, create violation paperwork as normal, violation will typically be addressed within TMHC hearing dates.
- Attend weekly Mental Health Court staffing meetings and court review hearings
- Comply with all federal and state grant conditions

The Tuscola Behavioral Health Systems/ Mental health provider – Jeanette Folcik

- Provide an employee to serve as the Mental Health Court case manager/treatment provider
- Obtain legal eligibility information from the prosecutor and risk assessment information from the probation officer
- Conduct the initial eligibility assessment/screening within one week of the referral being received and obtain release and exchange of information signed by the candidate
- Review the Mental Health court participation agreement, term, and conditions, waivers and other documents with the candidate
- Provide a treatment assessment summary confirming a candidate meets Mental Health Court eligibility to the next team meeting
- Provide weekly status reports to probation officer when necessary to address medication compliance and possible violations/sanctions and incentives
- Provide appropriate evidence based treatment services to Mental Health court clients as outlined in the policy and procedure manual and in the treatment assessment summary.
- Re-assess the participant pursuant to policy and state law to ensure the participant is receiving the appropriate level of care and services
- Attend mental health court staffing meetings and court review hearings bi-monthly
- Fulfill the role and responsibilities of the Mental Health court treatment provider as outlined in the policy and procedure manual
- Provide a peer support specialist to serve on the Mental Health Court Team
- Provide services to individual in need of community services or support outside of treatment
- Comply with all federal and state grant conditions

The Tuscola County Prosecuting attorney- Eric Wanick

- Provide an attorney to represent the state to serve as the Mental Health Court Prosecutor
- Review Mental health court cases that require prosecutor approval and make a determination of legal eligibility
- Attend bi-weekly staffing meetings and Mental Health Court review hearings
- Comply with all federal and state grant conditions
- Hold participants accountable, protect public safety, and protect victims' rights
- Fulfill the role and responsibilities of the Mental health court prosecutor as outlined in the policy and procedure manual

The Defense attorney

- Provide a defense attorney to serve on the Mental Health Court team
- Attend bi-weekly staffing meetings and Mental Health court review hearings
- Comply with all federal and state grant conditions
- Review participation agreements, terms and conditions, waivers, and other documents with the participant and inform and advise the candidate of their legal rights, legal options, and treatment options
- Advocate for the participants stated legal interests and protects the participant's constitutional rights
- Fulfill the role and responsibilities of the Mental Health Court defense attorney as outlined in the policy and procedure manual

The Tuscola County Sheriff's Department/Corrections Officer

- Provide an officer to serve on the Mental Health Court team
- Attend bi-weekly Mental Health court staffing meetings and court review hearings
- Expedite warrant services for Mental Health court participants as needed
- Act as a liaison to the police department, and providing communications with the arresting officers regarding the participants status in Mental Health court, as needed
- Establish and maintain a communication system with other officers concerning participants and their compliance with terms and conditions, such as curfew
- Assist with the legal eligibility process as needed
- Assist MDOC/probation with supervision activities such as field home checks and drug and alcohol testing
- Fulfill the role and responsibilities of Mental Health court law enforcement as outlined in the policy and procedure manual
- Comply with all federal and state grant conditions

The Chance to Change drug/alcohol testing Liaison- Dayna Gauthier

- Provide a testing liaison to serve on the Mental Health Court Team
- Attend Bi-weekly Mental Health Court staffing meetings and court review hearings
- Report any issues within testing in regards to participants

- Provide insight and suggestions on testing within Mental Health Court
- Allow Mental Health Court participants to test as required while in the program
- Comply with all federal and state grant conditions

Mental health support

- Attend Bi-weekly Mental Health Court staffing meetings and court review hearings
- Provide support, insight and suggestions within the Mental Health Court
- Follow policies and procedures of Mental Health Court
- Comply with federal and state grant conditions

MHC TEAM TRAINING AND ORIENTATION

Maintain a court team that is comprised of court and mental health staff, along with treatment and service providers who maintain ongoing specialized training, within their jobs outside of MHC. Yearly each team member will attend MATCP conference and trainings held by SCAO and any other offered that may apply. Orientation is completed with Program Coordinator and the Judge when a new team member joins the team.