

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ

Behavioral Health Court Protocol

Effective September, 2015



www.santacruzcourt.org

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MISSION AND GOALS

The Santa Cruz County Behavioral Health Court (BHC) is a supportive post-adjudication review court designed to improve offender treatment outcomes, reduce recidivism, respond to public safety and victims' rights concerns, and effectively utilize public resources. The BHC accomplishes this through collaboration between the Court, Probation, Mental Health, District Attorney, Defense Counsel, and Law Enforcement. The program is designed to achieve the following specific and measurable programmatic outcomes on an annual basis for each of the program participants:

- Reduce the number of jail bed days;
- Reduce the occurrence and/or frequency of new offenses and probation violations;
- Reduce psychiatric inpatient bed days;
- Reduce days of homelessness;
- Increase treatment compliance;
- Increase days in pro-social activities;
- Achieve a more consistent level of sobriety (if applicable); and
- Resolve outstanding legal issues.

TEAM MEMBER ROLES

The Behavioral Health Court Coordinator will serve as a liaison, blending more traditional court functions (i.e. calendar coordination and data collection) with behavioral health services functions (i.e. assessment, treatment plans and disposition plans). A primary focus of the position will be conducting "Behavioral Health Court Assessments" to clients referred by criminal justice partners. These assessments will aim to determine client eligibility and suitability for participation in Behavioral Health Court, **which is based upon mental health diagnosis, functional impairment, benefit status and amenability to treatment/participation**. A copy of completed assessments will be provided to the court and other involved legal parties upon completion. As such, each assessment will attempt to illuminate these core issues in such a way as to provide ample evidence and substantiation for inclusion/exclusion determinations and treatment recommendations, while recognizing the ethical responsibility to protect sensitive client information and prevent undue harm. The BHC Coordinator will work closely with the Jail Discharge Planner throughout the process, to ensure that assessments are as accurate and detailed as can be reasonably expected, and to assist client's in navigating admission into BHC or linkage to other indicated services.

The Mental Health Forensic Supervisor, Case Managers and Behavioral Health Court Coordinator participate in all treatment assessments for determinations of level of appropriate care. They provide expertise about mental health and co-occurring disorders and provide regular progress reports to the BHC Team concerning the treatment progress of all clients. They coordinate all psychiatric treatment, medications, community case management programs, housing, day treatment, education, job training, and benefits. The **Behavioral Health Court Coordinator** keeps track of and limits the BHC calendar to ten to twelve reviews per week, allowing room for possible violations or cases with compliance issues allowing for a maximum of fifteen cases per week.

The Mental Health Probation Unit coordinates risk based supervision of defendants and collaborates with the Mental Health Case Managers to provide progress reports on the participants. Assigned probation officers (DPOs) work in conjunction with the treatment providers to monitor the participant's progress in the community to ensure public safety by utilizing incentives and sanctions as a component of supervision. During the BHC review hearings, the DPO makes recommendations regarding alleged violations of probation and compliance concerns.

The Behavioral Health Court District Attorney (DA) serves as the public safety representative of the community. The DA protects the rights of victims and the community by ensuring that participants are held appropriately accountable for their behavior while in the program. In addition to this role the DA will seek to be supportive of the BHC Team and the participants in order to help foster a successful program. During BHC review hearings, the DA, as part of a collaborative team, monitors participant progress and can make recommendations regarding sanctions. If a participant is re-arrested, the DA will review the offense reports and assess the appropriateness of continued participation.

The Behavioral Health Court Defense Counsel protects the legal rights of his or her client and assists them in understanding the processes and procedures of the Court, acting in accordance with collaborative court principles.

The Behavioral Health Court Judge monitors and encourages participants' progress toward successful probation completion by utilizing rewards and/or sanctions as the Team advises. The BHC Judge also guides the collaboration by convening justice system partners and evaluating procedures as necessary.

The Santa County Sheriff's Office provides court security while supporting a collaborative court environment.

Community Treatment Providers BHC maintains relationships with a comprehensive network of community treatment providers to ensure that the diverse and varying needs of BHC participants can be met in an effective and efficient manner. The services provided by these community partners include dual diagnosis treatment programs, outpatient and residential substance abuse treatment, short term-crisis stabilization, short-term hospitalization, short/long term supported housing, vocational counseling/support, linkage to daily pro-social activities, among others. BHC makes referrals to these programs based upon each client's unique strengths, needs and treatment goals, and maintains ongoing contact with treatment provider staff for the duration of client participation, to help facilitate client's successful navigation of treatment programs and adherence to probationary terms/BHC expectations. In addition to providing ongoing support to clients while in program, community treatment provider staff will often attend BHC sessions to provide client support and to aid in treatment team decisions.

ELIGIBILITY CRITERIA AND REFERRAL PROCESS

Case Requirements: Only **post-disposition** cases are eligible for BHC.

Participant Requirements: In order to participate in BHC, the individual must either be (1) under MOST (Maintaining Ongoing Stability Through Treatment) Team Supervision or be (2) on Formal Mental Health Probation under specified DPO Caseload Supervision.

1. Individuals under MOST Team Supervision are automatically eligible for BHC.

a. These potential BHC participants have met all of the following MOST participation criteria:

- Diagnosed with significant & persistent mental health disorder
- Significant impairment in functioning
- Eligible to have an assigned case manager
- Receiving psychiatric treatment and medication for their disorder(s)
- Eligible for Santa Cruz County Medi-Cal
- Given formal Mental Health Probation Terms

2. Individuals on Specified Formal Mental Health Probation Caseload may be eligible for BHC.

- a. These potential BHC participants are not required to meet all MOST criteria
- b. These potential BHC participants must be assigned by a Mental Health Probation Caseload Supervisor to a designated caseload officer.

Although a client may meet all of the diagnostic, functional and criminal justice criteria for participation in BHC, any and all participation is voluntary. Should a client meet the above criteria for acceptance into BHC, but not express a willingness or desire to participate, said client is not a suitable candidate for participation in BHC.

If you are unsure if an individual is eligible for BHC, you may refer any potential cases for screening and evaluation for the MOST Team or Mental Health Caseload to:

Mental Health Forensic Services Supervisor - (831) 454-4170

Jail CIT Discharge Planner – (831) 454-5171 / CIT@santacruzcounty.us

Mental Health Probation Caseload Supervisor - (831) 454-4983

STANDARD MENTAL HEALTH PROBATION TERMS

Any individual may be given mental health conditional sentence/probation terms if factually appropriate. However, the following terms must be included (in addition to any other probation terms imposed by the court) when an individual is placed on MOST or Formal Mental Health Probation:

1. Comply with County Mental Health Directives (please do not specify MOST, as it is just one collaborative team within the County Mental Health system). This may include, but is not limited to:
 - Program Placement (must be interviewed and accepted by a program representative)
 - Reside in approved housing (which may include shelter services)
 - Participate in Alcance/MOST Team work crew 1-3 days per week
 - Support Groups/Dual Recovery Groups/Counseling
2. Take all medications as prescribed, which includes proper dosage and may include injectables
3. Abstain from the use of alcohol/intoxicants/controlled substances which are not prescribed

4. Submit to testing for alcohol/intoxicants/controlled substances
5. Submit to search and seizure of your person, residence, vehicle, and areas under your dominion and control for drugs/alcohol/drug paraphernalia at any time of the day or night, with or without a warrant, by any peace officer. *Weapons to be subject to search and seizure if appropriate (to be determined at sentencing)
6. Sign a release of information/waiver of confidentiality

CONFIDENTIALITY

All BHC participants sign Releases of Information allowing County Mental Health to share protected client information with the BHC team and to participate in BHC. The team to discuss and shares clinical information as it pertains to their psychiatric diagnosis, attendance with psychiatric appointments, treatment participation, treatment progress and termination or completion of treatment recommendations.

BHC PROGRAM REQUIREMENTS

General program requirements may include the following as appropriate to each individual case:

- Adherence to mental health treatment recommendations
- Adherence to taking all psychotropic medications as prescribed
- Participate in residential treatment if recommended
- Compliance with drug and alcohol testing if appropriate
- Follow all terms of probation
- Attend BHC as directed
- Community service hours if appropriate
- Provide group sign-off sheets or proof of treatment compliance as requested

TEAM DECISION MAKING

The BHC team meets weekly to conduct a clinical case conference on all cases prior to the court calendar. The BHC team receives the treatment plans with updates from clinical and probation staff of the progress or concerns with each BHC participant on calendar that day. Decisions are made based on what is clinically most appropriate while keeping community safety and victims' rights as a priority. The general Multi-Disciplinary Team approach is one of collaboration and treatment oriented.

TREATMENT PLANS

Treatment plans are completed by clinical and probation staff and ready for review by the BHC team prior to each staffing to discuss participants progress and or areas of clinical/probation concern. Participants treatment plans are altered and updated as needed to reflect the participant's progress and are based on each participant's needs and goals. A formal treatment plan is completed when participants attend BHC for their first appearance, abbreviated updates are submitted thereafter.

INCENTIVES & SANCTIONS

Incentives and sanctions are utilized to help encourage participants to follow treatment recommendations. Incentives and sanctions are determined by the BHC team after a review of treatment plan progress or lack thereof.

INCENTIVES

- Verbal Praise from the Court
- Gift Cards
- Applause
- Less Restrictive Treatment Recommendations
- Reduced Frequency of Court Appearances
- Certificates of Completion
- Graduation
- The Court has the ability to suspend, reduce or convert fines and fees based on individual participation in the program
- Fish Bowl Incentives (drawing of random prizes)
- Treatment Team Support for Individualized Pro-Social Activities or Employment
- Community Service Hours on the Alcance/MOST Team Work Crew (as a means of paying off court ordered fines and fees)

SANCTIONS

- Verbal Reprimand from the Court
- More Restrictive Treatment Recommendations
- Increased Frequency of Court Appearances
- Drug Testing
- Bench Warrant
- Short-term remands
- Termination from BHC and Return to Regular Criminal Court

When at all possible, incarceration will not be used as a sanction in BHC. A client may be remanded into custody if engaging in behaviors that are undermining the treatment plan and represents a threat to public safety and/or themselves.

ALLEGED PROBATION VIOLATIONS

When a defendant participating in BHC is alleged to have violated a term of probation, a written description of the alleged violation will be prepared by Probation and provided to the Court as well as Counsel. Probation will also prepare written recommendations regarding the violation(s) and the impact on the defendant's ability to continue participating in the program. The recommendation will include recommendations for next steps in appropriately handling the defendant's case.

SUCCESSFUL COMPLETION/GRADUATION FROM BHC

A participant becomes eligible to graduate from BHC if he/she complies with his/her probation terms for the designated period of time and achieves his/her rehabilitative goals. The length of BHC participation will vary depending on the grant of probation, each individual's program needs, as well as his/her ability to adhere to their treatment plan, and achieve his/her rehabilitative goals. Each participants' goals are identified in their treatment plan and revisited regularly. The ability for participants to succeed with his/her treatment plan and achieve success within the program will result in positive programmatic outcomes. Participants will be encouraged to engage in BHC with the opportunity to terminate probation early. Consideration for early termination will be based on the participants' commitment and success in treatment/BHC, and their ongoing needs.

The Behavioral Health Court (BHC) Program is intended to foster a supportive recovery based environment as an alternative to the traditional adversarial court environment. Incentives for defendants to participate in the program may vary and will be based on risk and behavior level assessments.

Upon the treatment team's determination of successful completion, the Judge will consider early termination of probation, as well as possible reduction pursuant to Penal Code 17(b) and expedited dismissals pursuant to Penal Code 1203.4

TERMINATION FROM THE BHC

Participation in the BHC program is voluntary. Defendants who are admitted into the BHC program may voluntarily terminate his/her participation in the program at any time. Defendants who choose to terminate his/her participation will have his/her case transitioned back to the department where the case originated. Regardless of termination, defendants would continue under supervised probation with mental health terms if appropriate.

Termination of a participant from the program may also be triggered by allegations of a new crime. Defendants who are alleged to have committed a new and serious crime may have his/her BHC eligible case transitioned back to the department where the case originated.

ADDITIONAL RESOURCES

For help in determining if an individual who is **in custody** is in need of mental health assessment/services you can refer the individual to the Jail Crisis Intervention Team at CIT@santacruzcounty.us or to Jail CIT Discharge Planner at (831) 454-5171.

For help in determining if an individual who is **out of custody** is in need of mental health assessment/services, you can refer the individual to Adult Mental Health at 1400 Emeline Ave, Building K for an intake ACCESS assessment. To schedule an appointment call (831) 454-4170.

Any requests for information regarding Behavioral Health Court should be directed to Tim Newman, Santa Cruz Superior Court Director of Operations - (831) 420-2332

RELATED FORMS

1. Consent for Release of Confidential Information (3-2014 rev 4)
 - a. See attachment
2. Santa Cruz County Behavioral Health Court Treatment Plan Sample
 - a. See attachment

WORKS CONSULTED

California Rules of Court 10.951 (c) and 10.952 (2014).

Superior Court of California, County of Santa Clara Community Court Program. *Site visits and court observation*, supervised by Judge Stephen Manley (May 2014).

Judge Heather Morse, Superior Court of California, County of Santa Cruz and BHC Judge. *Consultation and Briefing* (BHC goals, operation and needs Aug. 2014).

Sarah Fletcher and Jasmine Najera, *Referrals to the County Mental Health Probation Caseloads/Behavioral Health Court/Standard Probation Terms, Internal Memorandum* (Santa Cruz, CA: Superior Court of California, Santa Cruz, July 2014).

Mental Health Issues Implementation Task Force: Draft Final Report. A Template for Changing the Paradigm for Persons with Mental Illness in the Criminal Justice System (San Francisco, CA: AOC Mental Issues Implementation Task Force, June 2014).

SIGNATURES

The Honorable Paul Marigonda,
Presiding Judge, Superior Court of
Santa Cruz County

The Honorable Heather Morse
Judge, Superior Court of
Santa Cruz County

Mr. Fernando Giraldo
Chief of Probation

Mr. Erik Riera
Director Mental Health Services

Mr. Larry Biggam
Office of the Public Defender

The Honorable Jeff Rosell
Office of the District Attorney

Mr. Mitchell Page,
Alternate Public Defender

Mr. Tom Wallraff,
Alternate Public Defender

