

YORK COUNTY MENTAL HEALTH COURT MANUAL

MISSION STATEMENT:

The mission of the York County Mental Health Court is to develop a partnership between the mental health and criminal justice communities. This partnership will address the specialized needs of offenders with serious mental illness, thereby reducing recidivism rates, promoting public safety and improving the quality of life for offenders by establishing mandatory, comprehensive, community-based treatment and services within the guidelines of the York County Mental Health Court.

PROGRAM DESCRIPTION:

The York County Mental Health Court is a pretrial diversionary program for offenders diagnosed with a serious and persistent mental illness. Offenders are referred to the program by, but not limited to, Police Officers, District Justices, Attorneys, Probation Officers, Case Workers, and Judges. A team evaluates the appropriateness of the referrals and then offenders are either accepted into Mental Health Court or referred back to the criminal justice system. In order for an offender to participate in Mental Health Court s/he will be required to enter a guilty plea to the offense(s) with which they are charged.

Once an offender is placed into the Mental Health Court, s/he is provided with a Resource Coordinator through York County MH/MR and a specialized mental health Probation Officer through York County Adult Probation. These individuals will be responsible with assisting offenders in accessing necessary services and monitoring offender compliance with services and treatment plans.

Participants in the program will be expected to honor an approximate 18-month commitment. The program consists of three phases. Phase I begins with weekly appointments with the Probation Officer and/or Resource Coordinator, along with a weekly Court appearance. Offenders that have demonstrated compliance with their treatment plans for approximately six months will be promoted to the next phase. With each successive phase, offenders are monitored less frequently and less intensely, so long as they continue to be in compliance with their treatment plans. Sanctions are utilized in the event of non-compliance.

Once an offender completes Mental Health Court, offenses may either be reduced in gradation or dismissed. This will be determined by prior record and the nature of the immediate offense(s). A graduation ceremony will mark completion of the program.

10 KEY COMPONENTS OF TREATMENT COURTS

Although the 10 Key Components were developed for drug courts, as defined in *Defining Drug Courts: The Ten Key Components* as developed by the National Association of Drug Court Professionals under a grant awarded by the Drug Courts Program Office, Office of Justice Programs, U.S. Department of Justice, these components were modified to fit mental health courts by the Council of State Governments, *Essential Elements of a Mental Health Court (Third Edition, Draft)*, New York, NY: Council of State Governments, June 2005. The Council of State Governments in coordination of the Criminal Justice/Mental Health Project has identified ten essential elements of mental health court design and implementation. York County Adult Mental Health Treatment Court ascribes to and has incorporated the 10 essential elements.

Please see the below link for more information on the 10 Key Components of Drug Courts:

<http://www.ojp.usdoj.gov/BJA/grant/DrugCourts/DefiningDC.pdf>

Please see the below link for more information on the 10 Essential Elements of Mental Health Court:

http://www.ojp.usdoj.gov/BJA/pdf/MHC_Essential_Elements.pdf

Essential Element #1: Planning and Administration – A broad-based group of stakeholders representing the community, the criminal justice system, mental health, substance abuse treatment, and related systems guides the planning and administration of the court. The development in Pennsylvania of county Criminal Justice Advisory Boards (“CJABs”) provide an appropriate model.

Essential Element #2: Target Population – Eligibility criteria address public safety, consider the availability of other alternatives for defendants with mental illness, and appreciate a community’s treatment capacity and availability of services. Eligibility criteria also take into account the relationship between mental illness and a defendant’s offenses, while allowing the individual circumstances of each case to be considered.

Essential Element #3: Timely Participation Identification and Linkage to Services – Participants are identified, referred, and accepted into mental health court, and linked to community-based service providers, as quickly as possible.

Essential Element #4: Terms of Participation – Terms of participation promote public safety, and are clear, individualized, and the least restrictive necessary to ensure treatment engagement. They also strive to minimize the impact of the charges on the participants’ criminal records, and they support a positive legal outcome for participants who successfully complete the program.

Essential Element #5: Informed Choice – Defendants fully understand the program requirements before agreeing to participate in the mental health courts. They are provided legal counsel to inform this decision, and subsequent decisions about program involvement. Procedures exist in the mental health court to address, in a timely fashion, concerns about a defendant’s competency whenever they arise.

Essential Element #6: Treatment Support and Services – Mental Health courts connect participants to comprehensive and individualized treatment supports and services in the community. They strive to use – and increase the availability of – treatment and services that are evidence-based.

Essential Element #7: Confidentiality – Health and legal information should be shared in a way that protects potential participants’ confidentiality rights as consumers and their constitutional rights as defendants. Information gathered as part of the participants’ court mandated program should be safeguarded in the event that participants are returned to traditional court processing.

Essential Element #8: Court Team – A team of criminal justice staff, mental health staff, and service providers, which receives special, ongoing training, helps mental health court participants achieve treatment and criminal justice goals by regularly reviewing and revising the court process.

Essential Element #9: Monitoring Adherence to Court Requirements – Criminal justice and mental health staff collaboratively monitor participants’ adherence to court conditions, offer individualized graduated incentives and sanctions, and modify treatment as necessary to promote public safety and participants’ recovery.

Essential Element #10: Sustainability – Data are collected and analyzed to demonstrate the impact of the mental health court, its performance is assessed periodically (and procedures are modified accordingly), court processes are institutionalized, and support for the court in the community is cultivated and expanded.

REFERRAL SOURCES:

Referrals may originate from, but are not limited to, the following sources:

- ◆ Police Officers
- ◆ District Justices
- ◆ Public/Private Defense Attorneys
- ◆ District Attorneys
- ◆ Probation Officers
- ◆ MH/MR Case Managers
- ◆ Advocates/Family Members
- ◆ Prison Staff
- ◆ Judges

REFERRAL PROCESS:

Referrals must be submitted within 30 days of arraignment

Offenders may be referred to the Mental Health Court at any time along the continuum of criminal procedure from arrest until pretrial hearing. Probation Officers may make a referral in the event of a violation proceeding.

Referrals to the program *must* include the following items:

- ◆ Completed referral form
- ◆ Copy of the Criminal Complaint and Affidavit of Probable Cause

If available please attach the following documents

- Psychiatric evaluations (within the past 2 years)
- Psychological evaluations (within the past 2 years)
- Progress notes from a treating physician (within the past 2 years)
- A letter from a treating psychologist/psychiatrist indicating the diagnosis, period of treatment, and level of compliance

The referral source will forward a copy of the referral to the Mental Health Court Coordinator. Offenders will be required to sign the appropriate releases of information so that past and future records may be obtained.

Once offender history is gathered and distributed to the Mental Health Court Team, it is expected that pending candidates begin attending Mental Health Court sessions so that they may become familiar with the requirements of the program. Furthermore, candidates will be expected to express their rationale for applying to the program. Offenders must demonstrate consistent attendance and a strong desire for participation during this phase of consideration.

Offender history is presented to the Mental Health Court Team. This team will be comprised of representatives from, but not limited to, the District Attorney's office, Public Defender's office, Presiding Judge, Probation Department and York/Adams MH/MR. The District Attorney's office will review the offender's charge and prior record. The Mental Health Court Team will review clinical eligibility and the availability of the program to access support services necessary to manage the offender in the community. The District Attorney's office *must* defer prosecution of the offender's charges in order for the offender to be accepted. The Mental Health Court Team *must* approve clinical eligibility of the offender and determine that sufficient support services exist in the community to manage the offender in a safe and effective manner. If an offender is deemed eligible, s/he will enter a guilty plea to the immediate offenses and then enter Phase I of the program. If an offender is deemed ineligible, s/he will continue on to the next phase in normal criminal procedure.

The anticipated timeline from referral (for those referrals including documentation of the mental illness) to decision to enter the program is approximately 30 days. Due to the delay involved with acquiring mental health treatment records, referrals requiring

evaluation and/or requiring the program to seek treatment records may delay processing for an additional 4 to 8 weeks. Extraneous circumstances may prevent the ability to complete the referral within the proposed timeline.

If an offender had pled into the Mental Health Treatment Court program in the past and was unsuccessfully discharged he/she may apply again after a five (5) year waiting period. The wait period includes applying to any other of the York County Treatment Courts.

*****Referrals must be submitted within 30 days of arraignment.***

QUALIFYING FACTORS FOR MENTAL HEALTH COURT:

The defendant must be a resident of York County, Pennsylvania. Offenders must have a major Axis I diagnosis falling in the spectrum of Major Depressive Disorder, Bipolar Disorder or Schizophrenia, as defined by the DSM IV-TR. Rarely, but with sufficient cause, other disorders may be considered. Specifically, the diagnosis of PTSD will be considered if the individual is a veteran of any branch of the military. If offenders do not have a current diagnosis (a diagnosis made in excess of 2 years, without ongoing treatment is considered outdated), they must complete an appropriate psychological/psychiatric evaluation to document a diagnosis.

Mental Health Court will not fund evaluations for any candidate. Indigent offenders, without any insurance source, *may* qualify for an evaluation at the expense of York/Adams MH/MR. Offenders who do not qualify for county-funded services will be responsible for all costs associated with obtaining an evaluation.

Offenders must also meet MH/MR standards for Resource Coordination services, as defined by one of the following:

- ◆ Six or more days of psychiatric inpatient treatment in the past twelve months
- ◆ Met the standards for involuntary treatment within the past twelve months
- ◆ Currently receiving or in need of mental health services and receiving or in need of services from two or more human service agencies or public systems such as Drug and Alcohol, Vocational Rehabilitation, Criminal Justice, etc.
- ◆ At least 3 missed community mental health service appointments or two or more face to face encounters with crisis intervention/emergency services personnel within the past twelve months, or documentation that the consumer has not maintained his/her medication regimen for a period of at least 30 days.

EXCLUSIONARY FACTORS FOR MENTAL HEALTH COURT:

Offenders are considered ineligible if they do not have a major Axis I diagnosis (defined as per state regulations: Schizophrenia, Bipolar Disorder, Major Depression), or the primary Axis I diagnosis is that of substance abuse or there is significant mental retardation.

Offenders are considered ineligible if there are any unresolved out of state charges. It is the responsibility of the offender's counsel to resolve any pending out of county charges or state parole violations before offenders can be accepted into the program.

York County Mental Health Court values the opinion of crime victims. Victims of crime will be consulted for their opinion of diverting offenders into the program. Crimes involving any form of physical violence towards another person will be excluded if the crime victim does not consent to offender participation. Property crimes involving restitution in excess of \$2500.00 will require victim consent for offender participation and will be considered on a case-by-case basis.

York County Mental Health Court will review the offenses pertaining to each referral made to the program. Certain offenses are automatically excluded from the program; other offenses are typically excluded from the program. The following guidelines are in place with regard to ineligible offenses:

- Murder and Manslaughter **will not** be considered under any circumstances
- All Sex offenses under Pa 3104 Chapter 31 **will not** be considered. Indecent Exposure and Open Lewdness will be considered on an individual case basis at the discretion of the District Attorney's office.
- Felony crimes of violence (i.e. Aggravated Assault, Arson, Robbery) will typically be excluded. Determination made by the District Attorney's office.

- Persons who are classified as "violent offenders" under Federal Guidelines.
"Violent Offender" means a person who either:
 - a. Is charged with or convicted of an offense during the course of which
 1. The person carried, possessed, or used a firearm or other dangerous weapon;
 2. There occurred the use of force against the person of another; or
 3. There occurred the death of, or serious bodily injury to any person without regard to whether any of the circumstances described above was an element of the offense or conduct of which or for which the person was charged or convicted; orhas one or more prior convictions of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm **will not be considered.**

- Other crimes that include threat and/or violence against another individual not listed as a mandatory exclusion will be considered on an individual case basis at the discretion of the District Attorney's office.
- Crimes committed with a firearm **will not** be considered under any circumstances
- Possession of controlled substances in amounts exceeding the mandatory amounts will be considered on an individual case basis at the discretion of the District Attorney's office.
- No other pending charges, which would deem an individual ineligible.
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- Felony drug offenses (i.e. delivery of drugs) will *typically* be excluded from consideration at the discretion of the District Attorney's office.
- DUI offenses will *typically* be excluded from consideration at the discretion of the District Attorney's office.

Offenses that are typically excluded from Mental Health Court, may be referred under the following circumstances and will be reviewed on an individual case basis at the discretion of the District Attorney's office:

- An explanation of mitigating circumstances pertaining to the offense itself (i.e. graded as a felony due to status of the victim) is provided with the referral
- The referral information sheet contains accompanying documentation of the mental illness.
- The offender has a history of mental health treatment history in the past 5 years that will be accessible to the Mental Health Court Team

Mental Health Court will also consider an offender's prior record when determining eligibility. A record of excluded offenses will not result in immediate dismissal of the referral; however, may be considered as an exclusionary factor. **The defendant's admission in the program is subject to the discretion of the District Attorney's Office.**

RECONSIDERATION POLICY:

At times, relevant information may not be available to the Mental Health Court Team. This may be due (but not limited) to an offender failing to remember a previous treatment experience, or the failure of the offender to provide a release of information.

If a relevant party to the offender's case (attorney, judge, treatment provider, police officer, etc) feels the Mental Health Court Team failed to consider a particularly important factor, he/she may fill out a request for the case to be reconsidered.

A reconsideration form must be filled out and submitted to the Mental Health Court Administrator. Request must include supportive reasoning for reconsideration. Supportive reasoning is defined as mitigating circumstances pertaining to the crime, psychiatric/psychological reports that may not have been available for the initial consideration, or any other relevant information that can be placed in written format.

Once the request for reconsideration is submitted, the Mental Health Court Team will decide if the information provided in the request warrants further consideration. ***An offender may file for reconsideration one time and must be within 30 days of initial rejection. Final determination is made by the District Attorney's office.***

DUE PROCESS

ACKNOWLEDGMENT AND WAIVER OF DUE PROCESS RIGHTS

I acknowledge that I have read and understand the written plea agreement that is part of my plea agreement for entry into Treatment Court. I know that I have the following constitutional and due process rights and I waive these rights as a condition of my acceptance into Treatment Court.

I acknowledge that I have read and understand all of the Treatment Court conditions and accept them as conditions that I must comply with while in Treatment Court.

I understand and accept that the Presiding Judge of the Treatment Court program may impose sanctions upon me if I am found in violation of any term or condition of the Treatment Court program.

The rights that I waive are:

- A. The right to advance notice, either written or verbal, of any violation of a term or condition of my treatment requirements in the program;**
- B. The right to have an evidentiary hearing to establish a violation of a term or condition of my treatment requirements in this program;**
- C. The right to be represented by an attorney in any proceeding involving a violation of any term or condition of my treatment requirements in this program;**
- D. The right to be represented by counsel will be waived if not promptly requested;**
- E. The right to attend or my attorney to attend staffing and discussion by treatment court staff of my treatment status;**
- F. The right to remain silent;**
- G. The right to assert any privilege as set forth in the Pennsylvania statutes with respect to any treatment concerning my involvement in treatment court.**

I have discussed with my attorney the above waiver and fully understand and accept the waiver as evidenced by my signature below.

Date _____

Name _____

I, counsel for _____, have explained the waiver and its meaning to my client _____ and concur with the waiver's terms affecting my client's rights.

Date _____

Name _____

INTERPRETATION

I acknowledge that _____ has interpreted this document for me and that I have had the opportunity to discuss with my attorney the terms and conditions and understand my rights and the conditions of the Treatment Court program.

Date _____

Name _____

Interpreter _____

MENTAL HEALTH COURT POLICY ON COMPETENCY:

Offenders may be referred to Mental Health Court for a vast array of mental illnesses and along an extended continuum of criminal process. During the interval from referral through processing, an offender's mental status may drastically change, depending upon the illness. This change is most prevalent in offenders that have been incarcerated and are either refusing pharmacological treatment or are not responding to available medications within the prison's pharmaceutical formulary. However, this change is not limited to the prison population.

Due to the severe changes that may occur in an offender's mental state from referral through the processing stages, it is necessary for Mental Health Court to develop a policy regarding the ability of an offender to knowingly enter a guilty plea in light of the present mental state.

If an offender is referred to Mental Health Court and there is a suspicion that the offender may not be competent to enter a guilty plea, as required by Mental Health Court, a referral will be made to the defendant's counsel to motion to have this issue evaluated prior to any further action in the Mental Health Court screening process.

If an offender is evaluated and considered competent to enter a guilty plea, they may again be considered for Mental Health Court. If an offender is initially deemed incompetent, then is provided with the necessary treatment to regain competency, the offender may again be considered for Mental Health Court. If an offender is deemed incompetent and fails to respond to any measures to restore competency, the offender may not be considered for Mental Health Court.

This policy is in place to ensure that the rights of each offender are protected. Furthermore, this policy is in place to ensure that each participant of Mental Health Court is making a knowing and voluntary commitment towards rehabilitation.

MENTAL HEALTH COURT POLICY ON NARCOTIC MEDICATIONS:

The prevalence of substance abuse among the mentally ill is unusually high. Due to the high potential of narcotic medications to interfere with treatment and recovery efforts, York County Mental Health Court prohibits the use of all addictive medications. This includes a policy of prohibiting the use of narcotic pain medications (Vicodin, Percocet, Oxycontin, etc.) and the use of narcotic anxiolytic medications (Xanax, Klonopin, Valium, etc.). ADHD Meds with Amphetamines (Adderall, Dexedrine, Procentra Etc.) are prohibited. Offenders seeking entry into the York County Mental Health Court are expected to consult with their treating physician and/or psychiatrist to seek non-addictive medications with no abuse potential to treat conditions such as chronic pain and anxiety. Offenders using such medications while participating in the program are subject to sanctions. Exceptions to this policy are made only in the case of *documented* medical emergency treatment by a primary care physician. Participants who habitually seek exception to this policy are subject to increased sanctions and/or termination. If a prescribing physician feels that a client needs to be on any prohibited prescriptions

continuously to sustain a certain quality of life, then the client may not participate in the Veterans Treatment Court Program

Additionally, No participant of the York County Mental Health Treatment Court may take any dietary supplements or vitamins as they may contain substances that would alter the normal color of urine or cause a positive drug test for illegal substances. This includes but is not limited to specific vitamins, multivitamins, weight loss aids, or any other dietary supplement. The consumption of poppy seeds is strictly prohibited while in the program. Lastly, salvia, morning glory seeds, K2/Spice, bath salts and/or any or all designer drugs legal or illegal is strictly prohibited. All mood altering or hallucinogenic substances are prohibited. All Cough medicines must be pre-approved by a probation officer. Such ingredients like alcohol, codeine and dextromethorphan (DM) are prohibited.

Below is a list of some of the unacceptable medications for the York County Treatment Courts. This list may not include all medications that are not approved by the program. Please consult with a Treatment Court officer prior to taking any medications.

UNACCEPTABLE MEDICATIONS		
ALPRAZOLAM	HYDROMORPHONE	PRAZEPAM
ALURATE	HYDROXYZINE	PROLIXIN
ALZAPAM	INTENSOL	PROPOXYPHENE
AMBIEN	KLONOPIN	QUAZEPAM
AMOBARBITAL	LORACET	RESPONSANS
AMYTAL	LIBRITABS	RESTORIL
ANAFFRANIL	LIBRUIM	ROXICODONE
APO-OXAZEPAM	LORAZ	SECOBARBITAL
APROBARBITAL	LORAZEPAM	SECOGEN
AQUACHLORAL SUPPRETTES	LOTUSATEE	SECONAL
ATIVAN	LOXITANE	SECRETIN-FERRING
ATZAPAM	LUMINAL	SERAX
BARBITA	MEDILUM	SERENTIL
BENADRYL	MELCARIL	SKELAXIN
BIPHETAMINE	MEPERIDINE	SOLAZINE
BREVITAL	METHADONE	SOLFOTON
BUTABARBITAL	METHAQALLONE	SOLIUM
BUTISOL	METHIDATE	SOMA
CENTRAX	METHOHEXITAL	SOMNOL
CHLORAL HYDRATE	METHYLPHENIDATE	STADOL
CHLORIDAZEPOXIDE	MEVAL	STELAZINE
CHLORPROMANYL	MIDAZOLAM	STRESS-PAM
CHLORPROMAZINE	MITRAN	SUBOXONE
CLOMIPRAMINE	MOBAN	SUPEUDOL
CLONAZEPOAM	MORPHINE	SUPRAZINE
CLOZARIL	NAVANE	TALBUTAL
CODEINE	NEMBUTRAL	TALWIN
D-TRAN	NOCTEC	TEMAZEPAM
DALMANE	NOVA-RECTAL	TERFLUZINE
DARVON	NOVOCHLORHYDRATE	THIOPENTAL
DARVOCET	NOVODIPAM	THIORIDAZANE
DEMEROL	NOVOFLURAZINE	THORAZINE
DESOXYN	NOVOLORAZEM	TRAMADOL
DEXEDRINE	NOVOPOXIDE	TRANXENE
DIAZEPAM	NOVORIDAZINE	TRIAZOLAM
DIAZEPAM INTENSOL	NOVOXAPAM	TRIFLUOPERAZINE
DILAUDIO	ORMAZINE	TRIFLURIN
DIPHENHYDRAMINE	OX-PAM	TRILAFON
DOLOPHINE	OXAZEPAM	TYLOX
DORAL	OXYCODONE	ULTRAM
DORIDEN	OXYCOTIN	VALIUM
E-PAM	PAXIPAM	VALRELEASE
FLUPHENAZINE	PEMOLINE	VAZEPAM
FLURAZEPAM	PENTAZCINE	VICODIN
FLURAZEPAM-DALMANE	PENTOBARBITAL	VISTARIL
GLUTETHIMIDE	PENTOGEN	VIVOL
HALAZEPAM	PENTOTHAL	XANAX
HALCION	PERCOCET	ZAPAX
HALDOL	PERCODAN	ZEPEX
HALOPERIDOL	PERMITIL	ZETIAN
HYDROCODONE	PERPHENAZINE	ZETRAN
	PETHIDINE	
	PHENAZINE	
	PHENOBARBITAL	

Revised 3/11

The above list is only some of the medications not allowed by treatment courts. Please consult with your Probation officer prior to taking any medications.

MENTAL HEALTH COURT POLICY ON RESTITUTION AND PARTICIPATION FEE:

York County Mental Health Court holds the philosophy that offenders should be accountable for their actions. In keeping with this philosophy, all participants are required to pay any and all applicable restitution to crime victims before they may graduate the program. Furthermore, the program will require crime victim consent for participation in all cases where an excess of \$2500.00 restitution is owed and will be considered on a case-by-case basis. Defendants must establish a plan for payment of restitution.

Participants in the York County Mental Health Court will have applicable Court costs and probation supervision fees waived in lieu of a program fee. Offenders will be expected to pay a weekly participation fee to the Court of \$5.00 per week. This weekly fee will replace, and be less than, the standard payment of prosecution costs and standard probation supervision fees. These fees will be utilized to fund ongoing operational costs of the program. Offenders habitually failing to pay participation fees will be subject to community service and/or sanctions.

PROGRAM ORIENTATION

Upon official acceptance into the program, the public defender or their designee, who sits on the team, will complete an orientation prior to the defendant's plea into the program. The Public Defender or their designee will complete this orientation on all individuals accepted into the program, even those represented by private attorneys. The purpose of the orientation is to ensure that individuals accepted into the program are aware of all program policies and requirements.

CRIMINAL CHARGES

Prior to the defendant's plea into the program, an agreement must exist between the District Attorney's Office and the Defense Attorney as to exactly what Misdemeanor offense the Felony charges would be reduced to. This information must be included in the Mental Health Court Order to admit the defendant into the program.

PROGRAM PHASES:

PHASE I:

Phase I will last at least six months. Offenders will be required to meet the following standards:

- ◆ Must attend weekly Court appearances
- ◆ Must meet with Probation Officer and/or Case Manager as directed (approximately once per week)
- ◆ Adhere to a goal plan developed by the Case Manager and Probation Officer

- ◆ Attend all appointments with appropriate treatment agencies
- ◆ Take all medication as prescribed
- ◆ Attend drug/alcohol treatment or 12-step meetings (if dually diagnosed)
- ◆ Comply with urine screens at York County Probation
- ◆ Attend support groups as deemed necessary for D/A addictions
- ◆ Complete hours of community service
- ◆ Attend weekly NAMI support groups
- ◆ Comply with Educational goals – OVR, GED, etc
- ◆ Pay the weekly participation fee

Depending upon an offender's level of functioning, s/he may be required to do any of the following:

- ◆ Obtain employment
- ◆ Complete community service
- ◆ Obtain a GED
- ◆ Obtain a Representative Payee through the Mental Health Association of York County, family member (with the Court's approval) or any other reputable agency
- ◆ Cooperate with vocational rehabilitation (OVR)
- ◆ Participate in a structured day social rehabilitation/drop-in center

Possible sanctions and treatment responses for violating the terms and conditions of Phase I are:

- ◆ Increased reporting frequency to Probation Officer
- ◆ Increased community service/volunteer hours
- ◆ Brief incarcerations
- ◆ Increased attendance at 12-step meetings or support groups
- ◆ Increased level of treatment
- ◆ Written essays
- ◆ Termination

Offenders will be permitted to move to Phase II when they have consistently demonstrated the following:

- ◆ Attending all appointments with the Court, Probation Officer, Case Manager, etc.
- ◆ Compliance with goal plans, including medication therapy
- ◆ Stability in housing
- ◆ Stability in financial management
- ◆ Remaining drug/alcohol free

The Probation Officer or Case Manager will make the initial recommendation for the offender to move to the next phase. The Court team will make the final decision for advancement.

PHASE II:

Phase II will last at least six months. Offenders will be required to meet the following standards for Phase II compliance:

- ◆ Must attend Mental Health Court every other week
- ◆ Must meet with their Probation Officer and/or Case Manager as directed (offenders will still be required to attend regularly, however, less frequently than in Phase I)
- ◆ Attend all appointments with appropriate treatment agencies
- ◆ Continue to abide by Mental Health Court goal plan
- ◆ Compliance with provider treatment plan
- ◆ Continue to comply with any medication regimen
- ◆ Demonstrate ongoing stability with regards to housing, financial management
- ◆ Demonstrate continued abstinence from drugs/alcohol
- ◆ Demonstrate consistent payment of all applicable restitution
- ◆ Demonstrate consistent payment of all program fees
- ◆ Attend NAMI support group
- ◆ Complete hours of Community Service

Possible sanctions and treatment responses for violating the terms and conditions of Phase II are:

- ◆ Revert to Phase I requirements
- ◆ Increased frequency of reporting to Probation Officer and/or Case Manager
- ◆ Increased community service/volunteer hours
- ◆ Brief incarcerations
- ◆ Increased attendance at 12-step meetings or support groups
- ◆ Increased frequency of Court appearances
- ◆ Increased level of treatment
- ◆ Written essays
- ◆ Termination

Offenders will be permitted to move to Phase III once they have consistently demonstrated clear signs of stability in the following areas:

- ◆ Attending all appointments with the Court, Probation Officer, Case Manager, etc.
- ◆ Compliance with Mental Health Court goal plan
- ◆ Compliance with provider treatment plan, including medication therapy as directed by your psychiatrist
- ◆ Stability in housing
- ◆ Stability in financial management
- ◆ Remaining drug/alcohol free

PHASE III:

Phase III will last at least six months. Offenders will be required to meet the following standards for Phase III compliance:

- ◆ Must attend Mental Health Court once per month
- ◆ Must meet with their Probation Officer and/or Case Manager at least on an every other week basis.
- ◆ Attend all appointments with appropriate treatment agencies
- ◆ Continue to abide by Mental Health Court goal plan

- ◆ Continue to abide by applicable provider treatment plans
- ◆ Continue to comply with any medication regimen
- ◆ Demonstrate ongoing stability with regard to housing, financial management
- ◆ Demonstrate continued abstinence from drugs/alcohol
- ◆ Pay all applicable restitution in full
- ◆ Pay all applicable program fees in full
- ◆ Complete hours of community service (total of 50 for entire phase)
- ◆ Attend NAMI Support group
- ◆ Complete graduate contract
- ◆ Complete graduation application

Possible sanctions and treatment responses for violating the terms and conditions of Phase III are:

- ◆ Revert to Phase II requirements
- ◆ Increased frequency of reporting to Probation Officer and/or Case Manager
- ◆ Increased community service/volunteer hours
- ◆ Brief incarcerations
- ◆ Increased frequency of Court appearances
- ◆ Increased attendance at 12-step meetings or support groups
- ◆ Written essays
- ◆ Increased level of treatment
- ◆ Termination

FIELD CONTACT REQUIREMENTS

Treatment Court Field (Home) Contact Requirements

Phase 1: While a client is in this phase of the York County Treatment Court Program a minimum of one (1) field contacts should be conducted. It is required an *in-home visit* be conducted within the first 30 days of receiving a client's case for assignment. If a defendant has had any type of drug and/or alcohol infractions field requirements should be increased. If a defendant's employment schedule will not permit he/she to be present during the in-home visit than a paramour or a consenting adult (18-yrs of age or older), may permit you to take a walk through of the residence.

Phase 2: While a client is in this phase of the York County Treatment Court Program a minimum of two (2) field contacts should be conducted. At least one (1) needs to be a face-face contact at the residence. If a defendant has had any type of drug and/or alcohol infractions field requirements should be increased.

Phase 3: While a client is in this phase of the York County Treatment Court Program a minimum of three (2) field contacts should be conducted. At least one of these contacts

need to be conducted while defendant is on modified phase 3, one of which should be completed within 30 days prior to graduation but no later than one week prior to graduation, if possible. If a defendant has had any type of drug and alcohol infractions field requirements should be increased.

*If the defendant is living in a recovery house or any other structured living environment, field contact is not necessary. Prior to the defendant leaving a recovery house and/or changing an address, a field visit must be conducted in order to approve the residence. If an Officer can not conduct a field visit prior to approving a residence, a phone call must be made to insure those living in the residence understand the conditions of Treatment Court.

* A defendant's advancement to the next phase will be denied if the above requirements are not completed. Only in extreme circumstances will exceptions to this policy be made.

* If the team suspects adjustment problems that warrant a home check it should be completed within 2 weeks of the team's decision.

* During a client's supervision in the York County Treatment Court an Officer should attempt a field contact once every 60-days.

PROGRAM COMPLETION:

Any offender that successfully completes all three phases of Mental Health Court will be recognized during a short graduation ceremony. The Mental Health Court Team will make the determination of when all program requirements have been satisfied.

Offenders completing Mental Health Court will then have their charges dismissed or reduced in graduation. The determination of these factors will be based on a case-by-case assessment of prior record and nature of the offenses by the Mental Health Court team.

TERMINATION FROM MENTAL HEALTH COURT:

Offenders are reminded that Mental Health Court is a voluntary program. Participation in the Court is at the discretion of the Presiding Judge and the Mental Health Court Team. Offenders failing to make progress or those continuing to engage in further criminal behavior may be terminated.

Offenders may voluntarily opt out of the program at any time, however; the Court will transfer the case to criminal court for sentencing.

OFFENDER RIGHTS AND BENEFITS:

- ◆ While participating in the Mental Health Court, sentencing for an offender's case will be deferred
- ◆ Misdemeanor offenses will be dismissed, however; the record will not be expunged
- ◆ Felony offenses will be reduced in gradation, however; the record will not be expunged
- ◆ A public defender will be appointed to represent offenders who meet that offices criteria for eligibility.
- ◆ Offenders may opt out of Mental Health Court at any time, however; the case will be transferred to criminal court for sentencing

CONDITIONS OF SUPERVISION:

All offenders participating in Mental Health Court will be required to abide by the standard conditions of supervision. Offenders must agree to the conditions and sign as to their understanding of those conditions. While all offenders must abide by the standard conditions of Mental Health Court, the judge may order special conditions to apply to individual offenders. Please refer to the attached conditions for further information.

Job Descriptions

TREATMENT COURT JUDGE: The Nineteenth Judicial District Court of Common Pleas agrees to provide a Judge who will preside over Treatment Courts. The Treatment Court Judge is responsible for adhering to the York County, Pennsylvania Treatment Court Rules and all revisions to the rules with special consideration being given to the promulgation of any community-based rules deemed necessary for the success of Treatment Courts. As a member of the York County Treatment Court Team, the assigned Judge will preside over the court proceedings and monitor application of disciplines, sanctions and incentives while maintaining the integrity of the Court.

ADULT PROBATION AND PAROLE DEPARTMENT - TREATMENT COURT ADMINISTRATOR: As a member of the York County Treatment Court team, the assigned Administrator will be responsible for coordinating the Court by tracking and screening referrals, compiling statistical data, preparation and management of Treatment Court dockets, soliciting community support through education and linkages in an effort to enhance services available to the participant.

ADULT PROBATION AND PAROLE DEPARTMENT - TREATMENT COURT ADMINISTRATIVE ASSISTANT: As a member of the York County Treatment Court team, the Administrative Assistant will process, track and forward all referrals to the Administrator and the Assistant District Attorney, prepare weekly paperwork for Court,

order supplies, collect, track and deposit Treatment Court fees and attend all meetings and record minutes.

ASSISTANT DISTRICT ATTORNEY: As a member of the York County Treatment Court Team, the assigned Assistant District Attorney will review all potential participants for eligibility, actively participate in staffing of cases, and interact in a positive manner to address revocations, pleas and application of sanctions and incentives as they apply to the participant. Additionally, prior to a defendant's plea into the program, the ADA will determine what appropriate misdemeanor a felony offense will reduce to upon the defendant's graduation from Treatment Court. This information will be included in the admission order.

VICTIM/WITNESS COORDINATOR: As a member of the York County Treatment Court Team, the assigned Victim/Witness Coordinator will review each case with substantial amounts of restitution owed or where a victim of a serious crime is involved to ensure that their rights are protected throughout the process. Victim input will be sought in such cases to ensure a victim is not opposed to an individual's participation in the Treatment Court program. The Victim/Witness Coordinator will contact each victim to explain the program and will monitor restitution payments throughout a defendant's participation in the program.

ASSISTANT PUBLIC DEFENDER: As a member of the York County Treatment Court team, the assigned Assistant Public Defender will complete orientations on all defendant's accepted into the program, actively participate in staffing of cases to address revocations, pleas and application of sanctions and incentives as they apply to the participant, attend Court sessions and ensure that offenders legal rights are appropriately protected. The Assistant Public Defender is not responsible for attending plea hearings, probation violation hearings, or sentencings for individuals not represented by that office.

YORK/ADAMS DRUG AND ALCOHOL PROGRAMS - DRUG AND ALCOHOL CASE MANAGEMENT SPECIALIST: As a member of the York County Treatment Court Team, the designated Case Management Specialist will conduct screenings and assessments/reassessments on incarcerated participants and coordinate assessments and reassessments on non-incarcerated participants, track treatment compliance through weekly reports provided to the team by providers, participate in weekly staffings, and make treatment recommendations to the Court. In addition, the Case Management Specialist will identify and provide continuum of care for participants while advocating on behalf of the client and for the integrity of the Court.

YORK/ADAMS DRUG AND ALCOHOL PROGRAMS – DRUG AND ALCOHOL CASE MANAGER: As a member of the York County Treatment Court Team, the designated Case Manager will conduct case management screenings on all program participants, If a participant is found in need of service in any of the above listed areas, the Case Manager will provide information and referral to resources within the community. The Case Manager will assist the participant in becoming engaged in

services with referral agencies. The Case Manager and the participant will develop a goal plan with action steps in place to reach their identified goals. The Case Manager will monitor the progress of the participant until all goals are achieved. Additionally, the Case Manager will participate in weekly staffings and Court sessions and make recommendations to the Court.

ADULT PROBATION AND PAROLE DEPARTMENT – ADULT

PROBATION/PAROLE OFFICER: As a member of the York County Treatment Court Team, the assigned Probation Officers will be responsible for implementing appropriate supervision levels based on established measures such as the Sanction Sheet and the Phase Check Sheets, provide community linkages and referrals to appropriate agencies, monitor accountability of social activities and home environment of participants, as well as maintain accurate and up to date records on each participant and provide frequent and random drug testing. Attend weekly staffings and Court sessions and make recommendations to the Court as to appropriate sanctions and incentives.

SHERIFF’S DEPARTMENT: As a member of the York County Treatment Court team, the Sheriff’s Department will provide Court room security during Treatment Court sessions and provide transport of incarcerated defendants to necessary Court sessions. Additionally, when available Deputy Sheriffs will conduct unannounced home visits with the Probation Officers to ensure participants program compliance.

YORK COUNTY CLERK OF COURTS: As a member of the York County Treatment Court Team, the assigned Clerk will docket all information relevant to the Treatment Courts such as filing of applications, notices of acceptance or rejection of admission, scheduling and disposition of violation hearings, bench warrants, and sentencing and graduation orders.

TEAM TRAINING:

Each new team member must attend instructional sessions with the Treatment Court Coordinator. The purpose of the session is to review the operations of a treatment court program. Each team member will have access to the treatment court manuals and NDCI publications and trainings. They will also be required to watch NDCI sponsored training videos.

York County Mental Health Court Conditions

Name: _____ Case No(s): _____

The Court has conditionally released you onto the York County Mental Health Court Treatment Program and under the supervision of the York County Probation Department. You are required to comply with the regulations of the program as listed below.

The sentencing Court has the power to alter, delete or add conditions during the period of supervision.

REGULATIONS & CONDITIONS OF MENTAL HEALTH COURT

1. You must report as directed to your Probation Officer and permit the Probation Officer to visit your residence.
2. You are required to attend all Court sessions as directed.
3. You are required to have your residence approved by the Mental Health Court team. You are required to obtain consent from the Probation Department prior to changing your residence. You must report any change in your residence or phone number within 48 hours to the Probation Department and must obtain permission to leave York County.
4. You are required to maintain regular employment unless waived by the Court. If unemployed, you are to follow all job search directives given by your Probation Officer. If disabled, you are required to obtain and maintain financial entitlements.
5. If ordered by the Court, you are required to obtain a Representative Payee.
6. You are required to complete 50 hours of community service unless waived by the Court.
7. You are required to attend all appointments with your MH/MR Resource Coordinator, Psychiatrist, Therapist and/or Family Doctor. Additionally, you are required to take all medications as prescribed by the Psychiatrist or Family Doctor. You are required to cooperate with MH/MR and Probation with all efforts to ensure medication compliance.
8. You must abstain from the possession or consumption of illegal drugs and/or alcohol. If so directed by the Probation Officer, you are to cooperate with drug testing. Any appointment missed for no legitimate reason at which established testing is scheduled, will result in a positive drug or alcohol test designation. If directed by the Court, you are required to participate in any substance abuse programming.
9. You must comply with the laws of the United States, the Commonwealth of Pennsylvania and the community in which you live. Any violation of the law for which a fine or imprisonment may be imposed constitutes a violation of the Mental Health Court conditions and may result in termination from the Mental Health Court program. You must report any new arrest (including citations and summonses) to your Probation Officer within 48 hours.
10. You are prohibited from furnishing false statements, written or oral, to the Mental Health Court team.

11. You will not possess, control or use firearms (handguns, shotguns, rifles) or any deadly or illegal weapons. Federal law prohibits the possession or transportation of firearms by individuals convicted of an offense punishable by more than two years imprisonment.
12. You will refrain from any assaultive/threatening behavior that presents a danger to yourself or others.
13. You must follow all the conditions of the Mental Health Court Program, the directives given by the Judge, and the treatment team. If you fail to do so, the Judge may impose sanctions upon you.
14. The use of narcotic medications (including Tramadol/Ultram), Benzodiazepines, muscle relaxors, or sleep aids is forbidden while in the program. Participants must obtain prior approval from your PO before taking any prescription medication and provide a written statement from prescribing physician with respect to medication regiment.
15. No participant of the York County Mental Health Court may take any dietary supplements or vitamins as they may contain substances that would alter the normal color of urine or cause a positive drug test for illegal substances. This includes but is not limited to specific vitamins, multivitamins, weight loss aids, or any other dietary supplement. Additionally, the consumption of poppy seeds is prohibited.
16. If directed to do so by your PO or the Court: reside in a recovery house, enter and successfully complete a residential or partial residential treatment program, complete the Freedom Program at York County Prison.
17. No participant of the York County Mental Health Court may work as a confidential informant for any policing agency. This includes but is not limited to purchasing illegal substances, coordinating purchases of illegal substances and/or being involved in any activity that would otherwise be considered illegal.
18. Pay any applicable Mental Health Court fees, including a minimum fee of \$5.00 per week. Pay SCRAM fees or electronic monitoring fees if applicable. Pay all restitution in full.
19. Comply with any other directives of the Court.
20. By entering the Mental Health Court program you waive your right:
 - A. To a preliminary hearing
 - B. To a Trial

By law, you are subject to search and seizure of your person vehicle and place of residence. All contraband found is subject to seizure.

I have read or have had read to me, and fully understand the above conditions of Mental Health Court before signing and I am fully aware of the contents.

Client Signature _____ **Date** _____

Witness Signature _____ **Date** _____

Mental Health Court Referral Form



Date of Referral: _____

OFFENDER INFORMATION:

Name: _____

DOB: _____

Gender: (check one): Male Female

Race: _____

Social Security Number: _____

Veteran: Y / N Have you served active combat: Y / N Are you a Purple Heart recipient: Y / N

May we share your information with the Veteran's Administration: Y / N

Address: (include any others living in the home): _____

Phone Number: _____

Alternate Phone: _____

Source of Income: (employment, Social Security, etc.): _____

Name and Phone Number of Employer: _____

Type of Insurance: _____

OFFENSE INFORMATION:

OTN Number: _____

Is the offender in jail? Yes No

Criminal Charges: _____

Is the offense *typically* excluded? (Felony crimes of violence, Felony Drug, DUI): Yes No (If yes, please complete and attach the request for exception form)

Current Criminal Status: (What stage of criminal process): _____

Attorney Name and Phone Number: _____

REFERRAL INFORMATION:

Current Diagnosis: (please attach supporting documentation): _____

Is the offender mentally retarded? Yes No

Current and/or Past Treatment Agency, Doctor, and/or Therapist: _____

Current Medications and Prescribing Doctor (note: offenders must end the use of all narcotic medications before entering the program): _____

Does the offender use illegal drugs and/or alcohol? Yes No (If yes, list substances used and explain frequency of use): _____

Problem areas or other significant information: _____

REFERRAL SOURCE INFORMATION:

Name, Agency, and Title of referral source: _____

Contact Information for referral source: _____

PERSON COMPLETING THIS FORM:

(Printed Name) : _____
(Date) : _____

Once filed with the Clerk of Courts, please forward a copy of this referral to:
Michael L. Stough
Mental Health Court Coordinator

45 North George Street, 2nd Floor
York, PA 17401
Phone: (717) 771-9602, Ext. 241 / Fax: (717) 771-9846

MENTAL HEALTH COURT

Typically Excluded Offense Exception Form

Offender Name: _____ DOB: _____

OTN/Case Number: _____

Type of Crime: Felony Crime of Violence Felony Drug DUI

Is the Charge Grade Due to the Victim's Status? (i.e.: Aggravated Assault due to actions against police): Yes No

Charges as Filed: _____

Person Requesting the Exception (include relationship to offender): _____

Mitigating Factors Pertaining to the Crime: _____

Current and/or Past Treatment Providers Accessed in the Past 5 Years (Records *must* be made available to Mental Health Court): _____

☞ Please Attach Supportive Documentation of the Mental Illness (Psychiatric/Psychological evaluations, hospital discharge records, note from treating physician, etc.) ☞

If record of treatment and/or diagnosis does not exist, the referral will not be considered

YORK COUNTY MENTAL HEALTH COURT



**A PARTNERSHIP OF THE CRIMINAL JUSTICE
AND MENTAL HEALTH COMMUNITIES**

Established May 2005