



Mental Health Court

Mission Statement

The mission of the First Circuit's Mental Health Court is to improve the Oahu court system's response to the criminalization of persons with serious mental illnesses, thereby reducing the long-term burden on the island's correctional, probation, parole, and court systems.

Goals

The Mental Health Court has five primary goals:

- Increase the number of offenders with serious mental illnesses who are redirected from incarceration to treatment.
- Reduce the number of days offenders with serious mental illnesses spend in jail.
- Reduce recidivism rates among offenders with serious mental illnesses.
- Exhibit clear communication, patience, and an understanding of mental illness in the court.
- Improve collaboration among the First Circuit, Executive Branch agencies, county agencies, and non-governmental non-profit organizations that work with offenders with serious mental illnesses.

Court's Structure

The First Circuit's MHC is a post-arraignment court that accepts judge-ordered referrals from Circuit Court, District Court, and Family Court. Referrals should be adults with SMIs which contribute to functional impairment. Referrals may be charged with misdemeanor or felony charges, may be awaiting sentencing for a misdemeanor or felony, or may be facing revocation of an existing probation sentence that resulted from a misdemeanor or felony. Referrals must volunteer for the court, so their fitness to proceed must not be in question. Because a large percentage of people with SMIs also have co-occurring substance abuse disorders, the court admits dually diagnosed participants where mental illness is the primary issue. Court sessions are held once per week, and the MHC team meets just before court sessions to determine which referrals will be admitted and to discuss participants' progress. Derived from a strength-based model, the MHC motivates participants through graduated sanctions, rewards, and incentives.

As mentioned the MHC team considers referrals regarding defendants at different stages of their journey through court—specifically the following tracks:

- Track 1: Pre-charge misdemeanor or felony
- Track 2: Pre-adjudication misdemeanor or felony charge(s)
- Track 3: Post-plea, post-trial misdemeanants or felons
- Track 4: Probation/DAG revocation

Description of Mental Health Court Tracks

Track 2: Pre-Adjudication Misdemeanor or Felony Track 2 is for the defendant who has been charged but who has not yet faced adjudication. The defendant must give up the right to a jury trial

and to a speedy trial. The defendant may be granted a deferred acceptance of a guilty plea, by which the charges may be dropped upon successful completion of the MHC program. Or the defendant's charges may be held in abeyance, with possible dismissal of the charges upon successful completion of the MHC program. If the defendant does not successfully complete the program, s/he will face a trial without a jury before the MHC judge based on the facts s/he agreed to, which s/he cannot challenge. Based on those facts, the MHC judge will sentence the defendant.

Track 3: Post-Plea, Post-Trial Misdemeanants and Felons

Track 3 is for the defendant who has been found guilty, either through his/her own plea or through a judge or jury trial, but who is pending sentencing. The defendant will be placed on probation, with completion of the MHC program as a special condition of probation. If the defendant successfully completes the program, s/he is released from any remaining probation period. If the defendant does not successfully complete the program, his/her probation will be revoked; the court can sentence the defendant up to the maximum penalties provided by law.

Track 4: Probation/DAG revocation

Track 4 is for the defendant who is facing revocation of a DAG or probation. The defendant must agree to the facts leading to the revocation and must give up the right to a hearing for the revocation or modification of probation. The defendant is then re-sentenced to a new term of probation. If the defendant successfully completes the program, s/he is released from any remaining probation period. If the defendant does not successfully complete the program, his/her probation will be revoked; the court can sentence the defendant up to the maximum penalties provided by law.

Benefits to Public Safety

Increased supervision

Reduced recidivism

Emphasis on accountability, including graduated sanctions

Benefits to Participants

A team of people from across agencies working to support them

Receive treatment and services

Less time in jail

Possible dismissal of charges (depending on track)

Possible shorter probation sentence (depending on track)

Supervision of Participants

Upon admission to the MHC, the participant is supervised by a case manager, the court coordinator, and the court case supervisor/probation officer. The primary service and treatment provider, the Department of Health, Adult Mental Health Division, provides assistance with psycho-social rehabilitation, psychiatric treatment, substance abuse recovery, and other individualized treatment. The court coordinator and case supervisor/probation officer provide supervision in the way of home visits, contact with participants, contacts with collateral agents (employers, treatment staff members, etc.), curfew checks, testing for chemical substances, field visits, random site visits, and so on. Additional supervision is provided through regularly scheduled review hearings with the judge.

Supervision shall be used to promote effective mental health management. The goals of supervision are to deter participants from engaging in unapproved activities, to identify participants' problems or issues with treatment and supervision, and to emphasize the Mental Health Court's (MHC) commitment to their stability and success.

Initial supervision shall be more frequent (several times per a month), but reductions are possible in the case of consistent participant compliance. If a violation is committed, supervision shall be increased. As you advance through MHC phases, you will enjoy less frequent court appearances, reduced supervision, and other privileges. During transitions from different levels of care, participants may require increased monitoring and court appearances (regardless of their MHC phase) until the MHC team deems the participant is stable in his/her new level of care.

All participants are subject to mandatory curfew the entire time they are in Phase 1. This curfew also shall be applied to participants who have been released from jail, discharged from inpatient treatment, placed on 30-day restriction, and restricted to curfew as a sanction. Curfew hours for these participants shall be from 7 p.m. to 6 a.m. All participants in Phase 2 shall be restricted to curfew between 11 p.m. and 4:30 a.m. Phase 3 participants shall maintain responsible and reasonable hours of self-regulated curfew. Participants who violate this policy shall be sanctioned accordingly.

Program Phases

The MHC program consists of phases that include judicial oversight, supervision, individual treatment requirements, possible drug/alcohol testing, incentives and rewards, and graduated sanctions. Phases, which may roughly correspond with phases of treatment, are designed to encourage completion of short-term goals and court requirements. Together with treatment, it is hoped that participants will build the skills required for stable, independent living. As participants successfully complete each phase (determined through evaluation by the MHC team), they are promoted to the next phase. They also may be moved down phases by the MHC team if deemed necessary for stabilization and motivation.

To help participants focus on meeting the requirements for graduation from the program, participants pass through four phases. Each phase has a different set of goals and requirements for advancement. If a participant meets all the requirements in one phase, he/she can ask the Mental Health Court team to advance him/her to the next phase. However, the Mental Health Court team also can move a participant from a higher phase into a lower phase if they feel the participant needs the additional supervision.

Four Phases = approximately 2 years – most take longer due to technical violations and decompensation setbacks

Phase 1 – orientation/stabilization phase

Phase 2 – intensive treatment Phase 3 – treatment maintenance

Phase 4 – building community supports/community transition phase

Our expectations of you during each phase are as follows:

- Ø Attend court hearings and stay until dismissed.
- Ø Tell the truth.
- Ø Participate in treatment.
- Ø Take medications prescribed to you.
- Ø Submit to random drug/alcohol tests as required.

- Ø Refrain from criminal behavior
- Ø Refrain from alcohol and illegal drug use
- Ø Report changes in contact and job information.
- Ø Adhere to curfew rules as required
- Ø Inform housemates/staff of possible late hour phone calls from MHC staff to check that you are obeying your curfew.
- Ø Make an effort to pay any outstanding fees and/or fines as required
- Ø Complete assessments and evaluations as required by the MHC Program
- Ø Progress toward stabilizing lifestyle (housing, money management, employment, community supports, etc.)
- Ø Progress toward improved family functioning and building community supports

When you complete all the requirements for phases 1 through 4 it is time to start thinking about graduating from the program.

In order to be eligible for graduation from Mental Health Court, you must meet these requirements:

- Ø Demonstrate stability with mental illness signs & symptoms
- Ø Demonstrate an understanding of your relapse prevention and crisis plan
- Ø Have made significant progress with wellness/treatment recovery
- Ø Participate in consistent and gainful employment, volunteer service in the community, school or structured activities
- Ø Show engagement in an ongoing therapeutic support system
- Ø Demonstrate an understanding of your aftercare plan
- Ø Show means to address food, clothing and other necessities
- Ø Take medications prescribed to you, and take them only as prescribed
- Ø Test negative on any required drug/alcohol tests
- Ø Remain arrest-free
- Ø Secure long-term housing that is approved by the Mental Health Court team
- Ø Address any outstanding fees and/or fines as required
- Ø Receive recommendation from the Mental Health Court team

Rewards and Sanctions

To encourage compliance, the MHC utilizes a system of rewards and graduated sanctions. Rewards act as an acknowledgement by the court that a participant has reached a treatment milestone or has accomplished a specific achievement. Rewards can build self-esteem and help set the stage for continued progress. Examples of rewards include courtroom applause, phase movement and certificates, reduced curfews, early court dismissal, and so on.

Mental health professionals indicate that decompensation and other setbacks, including new arrests, are common occurrences for the persons with SMIs who are in the criminal justice system. If a participant is suspected of incurring a technical violation, he or she must return to court to answer for the noncompliance. Though the first step in addressing decompensation is to adjust treatment, graduated sanctions promote long-term behavioral change through deterrence and consequences. Examples of sanctions include written or spoken apologies, phase demotion, additional supervision, house arrest, and jail. If a participant continues willfully to incur technical violations or incurs a new serious criminal charge, termination from the MHC program is possible.