

BENTON COUNTY MENTAL HEALTH COURT HANDBOOK

The mission of the Benton County Mental Health Court is to address the unique needs of individuals with mental illness which impacts their criminal behavior. The court uses a strengths-based perspective to monitor, hold accountable, and provide support to participants as they engage in community-based mental health services essential to living lives free of the criminal justice system.



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INTRODUCTION TO MENTAL HEALTH COURT

By choosing to participate in MHC, you are taking advantage of a tremendous opportunity with the potential to improve your life for years to come.

This handbook is designed to answer your questions, provide information about the program, introduce you to the MHC Team and explain what will be expected of you as a participant in MHC. As a participant in MHC, you will be expected to follow the conditions set forth by the MHC Team, comply with instructions given to you by the Judge, and follow the recommendations of your treatment plan.

Please read this handbook carefully. It is your responsibility to be familiar with its contents. We encourage you to share this information with your support system. The information in this handbook is subject to change, without prior notice. It is your responsibility to keep yourself informed.



PROGRAM OVERVIEW

MHC is a specialized court with emphasis on accountability and intensive monitoring for defendants charged with misdemeanors, gross misdemeanors or felony charge reductions. The MHC follows two tracks: SOC (stipulated order of continuance) and Probation. The underlying premise of MHC is that crimes committed by the mentally ill are not simply a criminal justice problem but a public health problem and are best dealt with by providing stabilization and treatment to program participants. Participants are required to participate in mental health treatment, perform community service, make regular court appearances and are monitored closely for program compliance.

The MHC is guided by the following principles:

- ❖ Protect the safety and well-being of the community;
- ❖ Improve the quality of life of mentally-ill defendants;
- ❖ Improve access to community mental health services;
- ❖ Reduce the costs of prosecution, incarceration, and hospitalization to taxpayers;
- ❖ Maximize the communication and cooperation between the mental health system and the criminal justice system;
- ❖ Reduce recidivism;
- ❖ Ensure that accountability for non-compliance with the treatment plan is swift and graduated to fit the circumstances;
- ❖ Incorporate community-based educational, vocational, counseling and self-help courses and programs into a comprehensive treatment plan for self-improvement;
- ❖ Allow family members and other social supports to become involved in the treatment and recovery process, as appropriate.

ACCEPTANCE INTO MENTAL HEALTH COURT

You must be referred to MHC. Anyone can make a referral to Mental Health Court, including: the prosecutor, defense attorney, Judge, probation, jail staff, or member of the community. A defendant can even refer themselves. Being accepted to MHC requires various steps and communication between all parties to expedite the process. While your referral is being reviewed, you must continue to attend all scheduled court dates on your case. Being referred to MHC does not mean you will be accepted. You will be notified if/when you are enrolled in MHC.

Path to acceptance:



If you are accepted to MHC you will work with the MHC Program Manager, Case Manager and/or Probation Officer to develop an action plan for your participation in MHC. This action plan will give you direction as you progress through the program. Your action plan may include referrals to mental health treatment, chemical dependency treatment, housing assistance programs, DSHS services or other resources, as well as goals you would like to achieve while you are in the program.

Compliance with treatment will be monitored by the MHC team. You are required to authorize all treatment providers (including doctors and counselors) to disclose information about you to the MHC team, including any noncompliance with your treatment plan, such as missed appointments, substances abuse or failure to take medications as prescribed. The purpose of these disclosures is to provide support for you in your programs as well as quickly detect any noncompliance and address the situation promptly and effectively so that negative events are avoided.

DETERMINING ELIGIBILITY

To be eligible for Mental Health Court you must be:

- ❖ 18 years of age or older;
- ❖ Legally competent;
- ❖ Willing to **voluntarily** participate and commit to the court conditions and treatment plan;
- ❖ Charged with a crime in Benton County District Court, have a felony-reduction case from Benton County Superior Court, or be on probation in Benton County District Court;
- ❖ Affected by a serious and persistent mental illness which was in some way a factor in the crime;
- ❖ Likely to achieve long-term benefits to your quality of life as it relates to your mental illness by participating in MHC;
- ❖ Able to access the necessary treatment services in our local community;
- ❖ Insured (privately, Medicare, Medicaid) or Medicaid-eligible and complete Medicaid application within **three** days of being accepted into MHC;
- ❖ Free of active warrants.

In accordance with Washington State law, you may not participant in MHC if:

- ❖ you are currently charged or who have been previously convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030;
- ❖ you are currently charged with an offense alleging intentional discharge, threat to discharge, or attempt to discharge a firearm in furtherance of the offense;
- ❖ you are currently charged with or have been previously convicted of vehicular homicide or an equivalent out-of-state offense; or
- ❖ you are currently charged with or who have been previously convicted of: an offense alleging substantial bodily harm or great bodily harm as defined in RCW 9A.04.110, or death of another person;
- ❖ you have a mental illness or disorder with particularly violent manifestations which creates unreasonable risk to MHC staff;
- ❖ substance abuse is your primary diagnosis without evidence of an underlying mental illness;
- ❖ Dementia, delirium, developmental disabilities or brain injuries are your primary diagnosis without evidence of an underlying mental illness.

THE MENTAL HEALTH COURT TEAM

A MHC team oversees the operations of MHC. The team works together to encourage the success of program participants by providing close monitoring and support. Additionally, the team advocates for community safety by imposing sanctions on non-compliant participants when necessary.

The MHC Team consists of:

- ❖ **MHC Judge**
- ❖ **Prosecuting Attorney**
- ❖ **Public Defender**
- ❖ **MHC Program Manager**
- ❖ **MHC Case Manager/Probation Officer**
- ❖ **MHC Legal Assistant**
- ❖ **Law Enforcement Liaison**
- ❖ **Medical Liaison**

WHAT MHC EXPECTS OF YOU

The entire time you are participating in MHC you are required to:

- ❖ Be honest with the MHC team. This includes immediately reporting any rule violations;
- ❖ Commit to 12 months to 24 months of participation (exact program length depends on your progress);
- ❖ Attend all Court appearances;
- ❖ Attend all appointments with the MHC Program Manager/Case Manager and Probation;
- ❖ Remain law abiding;
- ❖ Obtain and maintain clean and sober housing;
- ❖ Abstain from the use of drugs, non-prescribed medications, alcohol and mood-altering chemicals;
- ❖ Submit to random substance testing;
- ❖ Maintain treatment with the agency or provider with which you establish;
- ❖ Take all medications prescribed to you;
- ❖ Complete at least 20 hours of community service at a preapproved location;
- ❖ Comply fully with mental health and chemical dependence treatment recommendations;
- ❖ Remain informed and in compliance with all program rules, policies, procedures and requirements;
- ❖ Pursue education and/or employment if applicable;

- ❖ Stipulate to the police report(s) associated with your case(s) when you enter a OC;
- ❖ Keep the MHC Program Manager/Case Manager, treatment provider(s), attorney, prosecutor, probation and the court clerk informed of your current address and phone number at all times. MHC Staff must be able to locate a you *at all times*, therefore it is the your responsibility to keep MHC staff aware of your whereabouts (overnights, etc.);
- ❖ Dress appropriately for court and treatment sessions. You are expected to wear a shirt or blouse that sits at the waist, pants or dress of reasonable length and appropriate shoes at all MHC appearances, meetings and treatment appointments. Clothing that depicts violence, racism, sexism or drug or alcohol-related themes will not be permitted. Hats may not be worn in the Courtroom;
- ❖ Advise any police officer you have contact with that you are involved in MHC. You must then immediately notify the MHC Program Manager/Case Manager of law enforcement contact;
- ❖ Pay a \$200.00 participation fee. The fee is contingent upon each individual's ability to pay;
- ❖ Complete and submit a travel request form for any out-of-county travel *prior to* any planned travel.

PHASES

Phase 1:

- ❖ **Attend MHC hearings weekly for a minimum of two months.**
- ❖ Comply with getting all necessary evaluations and treatment/counseling services in the community in order to comply with court mandated requirements.
- ❖ Work with the MHC Program Manager, Case Manager and/or Probation Officer to obtain/maintain services with may include: housing, healthcare, benefits, mental health care, chemical dependency treatment, employment, education, etc.

- ❖ Develop a plan for completing community service and have it approved by the MHC team.
- ❖ Complete Phase 1 writing assignment.

Phase 2:

- ❖ **Attend MHC hearings every two weeks for a minimum of four months, unless otherwise determined by the Mental Health Court Team.**
- ❖ Work with the MHC Program Manager, Case Manager and/or Probation Officer to obtain/maintain services with may include: housing, healthcare, benefits, mental health care, chemical dependency treatment, employment, education, etc.
- ❖ Be actively involved in a job, volunteer work, education, vocational training and/or positive pro-social activities.
- ❖ Remain law-abiding and keep the MHC Team apprised of any law enforcement contact.
- ❖ Develop a support system for personal, mental health and chemical dependency needs.
- ❖ Complete 10 hours of community service.
- ❖ Complete Phase 2 writing assignment.

Phase 3:

- ❖ **Attend MHC hearings monthly for a minimum of four months, unless otherwise determined by the MHC Team. The frequency of your attendance at these hearings will be based on your success in Phases 1 and 2.**
- ❖ Continue to progress in mental health treatment (and chemical dependency treatment, if applicable).
- ❖ Develop a plan that includes a daily routine and skills to identify and overcome challenges in your daily life. Demonstrate problem solving and budgeting skills.
- ❖ Be actively involved in a job, volunteer work, education, vocational training and/or positive pro-social activities.

- ❖ Complete all assigned community service hours.
- ❖ Complete Phase 3 writing assignment.

Phase 4, Prepare for Graduation:

- ❖ **Attend court hearings as determined by the MHC team. The frequency of attendance at these hearings may be based on previous success in Phases 1, 2 and 3.**
- ❖ Have completed all court requirements including community service.
- ❖ Attend all appointments with treatment providers and case managers as scheduled.
- ❖ Be actively involved in a job, volunteer work, education, vocational and/or positive pro-social activity.
- ❖ Have maintained treatment and/or counseling services including medication management.
- ❖ Create a post-graduation plan that includes developing new coping skills, stress management, symptom management and relapse awareness. Share this with the MHC Program Manager prior to graduation;
- ❖ Share with the Court what has changed in your life since starting with the MHC program, what you plan to do with your life, how you will ensure no further criminal charges and describe coping skills you have learned to implement into your life;
- ❖ Complete MHC exit survey.
- ❖ **You will be given a graduation certificate, dismissal order (if on a SOC) and a graduation celebration!!**



INCENTIVES

Incentives may be awarded by the MHC Team when you comply with MHC rules and requirements, and demonstrate progress. Incentives may include, but are not limited to:

- + Recognition by the Judge
- + Phase advancement
- + Reduced frequency of court appearances
- + Certificates of achievement
- + Food items
- + Movie tickets
- + Gift certificates
- + Reduced sentence/probation

SANCTIONS

Sanctions may be imposed by the MHC Team when you do not comply with MHC rules and requirements, and/or do not demonstrate progress. There is a wide range of sanctions available that the Judge can impose. Sanctions may include, but are not limited to:

- + Verbal reprimands
- + Community service
- + EHM/SCRAM
- + Assignments/written essays
- + Increased frequency of court appearances
- + Drug testing
- + Loss of phase
- + Jail time
- + Termination from MHC

COURT INFORMATION

Benton County Justice Center
District Court
7122 W. Okanogan, Bldg A
Kennewick, WA 99336
Phone: (509) 735-8476, ext. 3353
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The MHC program office is located inside the Justice Center. Weekly Court hearings are held Wednesdays in Courtroom 4 beginning at 9:00am. All participants are expected to arrive and be seated in the Courtroom no later than 8:50am.

Missed Court Appearances:

If you miss a court appearance it is your responsibility to contact the MHC Program Manager/Case Manager or your probation officer and/or defense attorney. If you have been issued a bench warrant it is your responsibility to handle this with your attorney.

Unsure of your Court Date:

In you are unsure when you need to return to Court, you may call the MHC office at (509) 735-8476, ext. 3353.

Courtroom Behavior:

You are expected to maintain appropriate behavior at all times in the courtroom and courthouse. This includes:

- ❖ No talking in the Courtroom;
- ❖ No sleeping in the Courtroom;
- ❖ No eating or drinking in the Courtroom;
- ❖ No gum chewing in the Courtroom;
- ❖ Be on time and do not leave until after you have been called. You are expected to have used the restroom prior to the court session starting;
- ❖ Cell phones and all other electronic devices must be turned off or they will be confiscated;
- ❖ The court session is not the appropriate time to have lengthy conversations with any of the team members unless you have made arrangements to do so prior to the court session. You must call or set up an appointment;
- ❖ Appropriate dress is required. Shoes and shirt are required and no hats, shorts, sunglasses or tank-tops should be worn. You are expected to maintain appropriate grooming. If you are attending Court straight from work, ensure that you have a clean change of clothes with you;
- ❖ Be prepared to share your successes and set-backs with the Court during your hearing. Remember – honesty is the best policy and allows the team to celebrate and support you.

TERMINATION FROM MHC

The Judge may *terminate* you from the program for non-compliance, new criminal charges, bench warrants, drug testing violations, or other issues which affect your ability to be successful in the program. There are several grounds for possible termination:

- ✚ New criminal charges or conviction(s)
- ✚ Failure to comply with the Court program and requirements
- ✚ Not participating in the program
- ✚ Participating in inappropriate behavior or conduct
- ✚ Demonstrating a lack of program response or progress
- ✚ Altering a drug test
- ✚ Violence or threats of violence directed at MHC staff, treatment staff, other participants in the program, or other clients of the treatment providers.
- ✚ Active warrants

A single relapse may not necessarily be grounds for termination, however, a continual inability to meet your treatment goals will result in expulsion.

If you withdraw or are terminated from MHC while on a SOC, you will appear before the Court for a bench trial. The trial will be based solely on the police reports that you stipulated to when you entered MHC. You will not have the opportunity to testify or call witnesses.

CONCLUSION

The Benton County District Court MHC was developed to help you achieve stability in your life. The program is designed to promote self-sufficiency and to return you to the community as a productive and responsible citizen. The MHC team are present to guide and assist you, but the final responsibility is yours.

We hope this handbook has been helpful and answered your questions. If you have additional questions or concerns about the MHC program, please feel free to contact any member of the MHC team.

Appendix A

Volunteer Opportunities:

1. Benton City Food Bank (509) 588-5454
712 10th Ave. Benton City
2. Fields of Grace (509) 528-4067
1153 Gage Blvd. Richland
3. Kennewick Food Bank (509) 586-0688
424 W. Deschutes Ave. Kennewick
4. Pet Over Population Prevention (509) 943-4722
524B Railroad St., Richland
5. Richland Food Bank (509) 943-2795
321 Wellsian Way, Richland
6. Salvation Army:
Richland: 1219 Thayer Dr. Richland WA, 509-943-7977
Pasco: #1 303 W. Clark St. Pasco WA, 509-547-3602
Pasco: #2 310 N. 4th Ave. Pasco WA, 509-547-2138
7. Tri-City Union Gospel Mission (509) 547-2112
112 N. 2nd Ave., Pasco
8. Other location with prior approval of the MHC Program Manager.
You may call 211 to learn about other opportunities.

Appendix B

COMMUNITY SERVICE TIMESHEET

NAME: _____

WORKSITE: _____
(NAME) (ADDRESS) (TELEPHONE)

SUPERVISOR: _____

HOURS ASSIGNED: _____

DATE	HOURS	DATE	HOURS	DATE	HOURS

PROGRESS/COMMENTS:

CLIENT'S SIGNATURE: _____

SUPERVISOR'S SIGNATURE: _____

PARTICIPANT CONTRACT

I have chosen to voluntarily participate in the Benton County District Court Mental Health Court. I agree to the following:

- I agree to cooperate with all Mental Health Court team recommendations;
- I agree to follow my treatment plan;
- I agree to attend all Mental Health Court hearings;
- I understand that I must obtain prior permission if I am unable to attend a scheduled court appearance from my probation officer or Mental Health Court Program Manager/Case Manager;
- I agree to attend all scheduled appointments with the Mental Health Court team;
- I agree to sign all necessary releases of information;
- I agree to take all medications as prescribed;
- I agree to abstain from the use of drugs, alcohol and non-prescribed medication;
- I agree to keep the Court apprised of my current address and phone number;
- I agree to remain law-abiding;
- I acknowledge that my case will be discussed outside of my presence and I give my consent;
- I agree to comply with MHC Action Plan that I have developed;
- I agree to pay a participation fee of \$200.00 if I have resources;
- I agree to attend counseling at least twice/month;
- I agree to call the UA line every day, and report for UAs as directed;
- I agree to bring all my medications to every court appearance and case management appointment;
- I acknowledge that I have read and understand the Benton County District Court Mental Health Court Participant Handbook in its entirety;
- Other: _____

I understand and agree to follow all of the above stated conditions of my Mental Health Court Participation.

I understand that failure to comply with these conditions will result in a review of my case with the Mental Health Court team to determine my continued participation in Mental Health Court or the imposition of Court ordered sanctions including incarceration or termination from the program.

Participant signature: _____

Court staff signature: _____

Date: _____