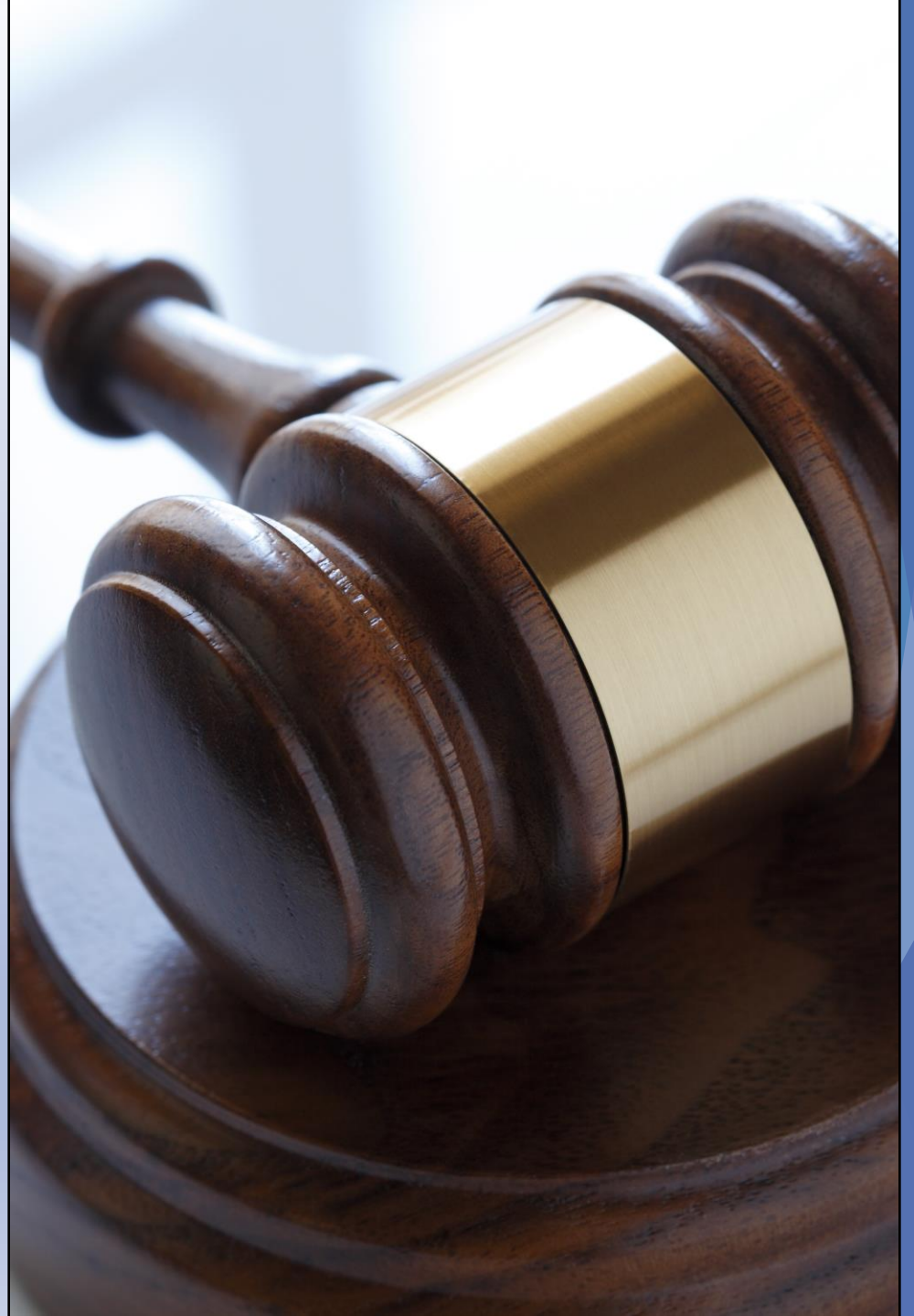


Kansas 10th Judicial District

Behavioral Health Court



Acknowledgements

Judge Robert Wonnell

Judge Charles Droege

Judge Ryan

Barb Stroble-Court Fidelity and Program Manager

Adam Baker- District Court Administrator

Laura Brewer-Court Administrator

Kari Webb-Court Services

Mike Brouwer-CMO Criminal Justice Coordinator

Kevin Waring- Director of JV Court Services

Susan Rome, MNH Deputy Director

Liz Worth, MNH- Director of Adult Services

Brandi Lane, MNH-Deputy Director of Adult Services

Michael Ohlsen, MNH-Forensic Team Leader

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Letitia Ferwalt-District Attorney

Chris McMullin-District Attorney

Abby Olson-District Attorney

Tyler Childress-District Attorney

Mick Eichholz

Katherine Haggard

Keith Clark- Deputy Director of Corrections

Captain Michael Levin-Sheriff

Erin George

Behavioral Health Court Award Details

- ▶ Award Date: 9/27/2022
- ▶ Amount Awarded: \$309,766.00
- ▶ Length of program: 36 months/ 3 years (2022-2025)
- ▶ The goals and expected outcomes are to
 - 1) Increase public safety
 - 2) Increase treatment engagement
 - 3) Improve quality of life
 - 4) Use resources more effectively.

Primary activities for the project will include:

- ▶ Establishing a multidisciplinary planning committee
- ▶ Identifying agency leaders and policymakers to serve as an advisory group
- ▶ Develop strategies and materials to meet the treatment needs of project participants
- ▶ Facilitate ongoing training and educational opportunities, including visiting other mental health courts and attending the NADCP Annual Training Conference
- ▶ Conduct ongoing program performance assessments

Behavioral Health Court Site Visits

- ▶ Wyandotte County Behavioral Health Court
- ▶ Douglas County Behavioral Health Court
- ▶ Ramsey County Mental Health Court – Minnesota Second Judicial District
- ▶ Idaho Seventh Judicial District Mental Health Court



Introduction

The Johnson County Behavioral Health Court (BHC) was founded in October 2022 as part of an expansive network of initiatives designed to divert individuals with mental illness out of the criminal justice system. The county's collaborative strategy prioritizes a defendant's behavioral health and offers alternatives to incarceration to reduce the rising number of defendants with mental illnesses who frequently utilize adult detention facilities, local courts, and mental health systems.

The BHC is a specialized docket designed to address the unique needs of offenders with mental illness and place them in a supportive courtroom environment where they undergo treatment, make regular appearances before the judge, and are monitored closely for compliance. The structure, function, and goals of the BHC are based upon the empirical evidence for applying a philosophy of therapeutic jurisprudence within the context of a problem-solving court that services adults with behavioral health problems. The BHC assists individuals who are convicted or pled guilty to criminal offense in the Johnson County District Court whose psychological issues significantly influenced the actions that resulted in the crime. The BHC will identify and oversee defendants' involvement in supportive services aimed at reducing their return to custody.

Our Mission

The mission of the Behavioral Health Court is to connect defendants with behavioral health disorders or co-occurring behavioral health and substance use disorders with community support services and reduce their criminal involvement, enhancing public health and safety. The Behavioral Health Court supports efforts to improve behavioral health services and providing those services at the earliest possible stage of a defendant's current term of probation.



Behavioral Health Court

- ▶ Behavioral Health Courts are an alternative to traditional courts with emphasis on accountability and intensive monitoring for individual's charges with both felony and/or misdemeanor offenses.
- ▶ Behavioral health court removes the defendants from the courtrooms of the traditional criminal justice system.
- ▶ Placing them in a new type of courtroom environment, where they will undergo treatment and counseling.
- ▶ They will make regular appearances before the judge and will be monitored closely for program compliance.

Program Overview

- ▶ The Behavioral Health Court program is a voluntary post-conviction program for defendants who have been diagnosed with a mental health disorder and/or co-occurring substance use disorder.
- ▶ The four-phase program consists of
 - ▶ Intensive Supervision by a probation officer.
 - ▶ Frequent appearances before the BHC Judge
 - ▶ Integrated Behavioral health and substance use treatment, including Moral Recognition Therapy (MRT), drug testing, and individualized pro-social interventions that may be beneficial on a case-by-case basis.
- ▶ The four phases of the program are based on minimum time frames as well as specific milestones to be completed at each phase.
- ▶ Treatment plans will be created at the beginning of each new phase.
- ▶ Throughout the phases each participant must utilize and demonstrate they have the skills to continue working towards recovery to graduate from the program.
- ▶ Program length will be approximately 12 months, at minimum, but ultimately will be based on individual client progress.

Eligibility and Requirements

Behavioral Health Requirements

- Residence must be in Johnson County for the duration of the program
- Defendant must be an active client with Johnson County MNHC prior to acceptance.
- Defendant's qualifying offense must correlate with SPMI/SMI diagnosis as determined by Johnson County MNH during application process.
- Defendant must be willing to participate voluntarily in BHC program .

Legal Requirements

- Defendant is prohibited from applying for BHC if charged with the following:
 - a) Felonies-Level 1-4 (drug and nondrug)
 - b) Presumptive prison cases per sentencing grid.
 - c) Felony Sex Offenses
 - d) Homicides

Legal Requirements Cont.

- The following cases will be decided on a case-by case basis:
 - a) Misdemeanor Sex Offenses
 - b) Case involving a firearm
 - c) Mistreatment of a Dependent Adult
 - d) Individuals granted a departure probation by the court
- The victim shall be notified if the defendant is accepted into the Behavioral Health Court.

Behavioral Health Court Team

- ▶ **Judge:** The BHC Judge leads the collaborative team and regularly reviews case status reports detailing each participants progress and engagement in the program with the aim of increasing the chances for long term success in the community.
- ▶ **Defense Counsel:** Is the lawyer who will inform participants of their rights and advise them in all court proceedings, as necessary.
- ▶ **Mental Health Case Manager:** The CM is employed through Johnson County Mental Health Center (JCMHC) providing community-based services as indicated in a participants treatment plan and will coordinate other mental health services as needed.
- ▶ **Supervising Officer/ CC/ACS:** Will oversee the condition of the participants bond probation and will meet with the client regularly to provide support with understanding their conditions and interact with other members of the BHC Team to ensure compliance.
- ▶ **Court Liaison:** Assists with all aspects of information sharing between the various departments that comprise the treatment team, and ensure vital information is shared with the Court per participant compliance and engagement.
- ▶ **District Attorney:** Shares the common goal of helping the participants comply with treatment services in the community. They will review new cases to determine eligibility for entry into BHC, monitor progress, and make recommendations to the court, as necessary.
- ▶ **Substance Abuse Clinician:** *Some participants may be assigned a licensed addictions counselor who will provide substance abuse assessments, develop treatment plans, deliver services, and make periodic compliance reports to the court.*

Application and Referral Process

- ▶ A referral to the Behavioral Health Court may be submitted at any point in the defendant's legal process.
 - ▶ A completed Johnson County Specialty Court referral form and release of information should be submitted by email to treatmentcourts@jocogov.org
- ▶ Once referral is received, an initial screening will be conducted by the District Attorney's office, Johnson County Mental Health center, and supervising officer.
- ▶ If the referral is accepted by the treatment team, an attorney or supervising officer will submit a petition to have the case transferred to Behavioral Health Court.
- ▶ A participant can voluntarily terminate from the program at any time; however, the original sentence may be imposed.
- ▶ The Judge can also involuntarily terminate the participant from the program for non-compliance, new criminal charges, bench warrants or other extenuating circumstances.

Voluntary Participation and Drug Testing

- ▶ The Behavioral Health Court is designed to help participants live within the community as productive and responsible citizens.
- ▶ The Judge, court staff, and treatment team will guide and assist, but the final responsibility rests on the Behavioral Health court participant.
- ▶ If at any point the program is no longer deemed as a beneficial arrangement, the participant can withdraw consent to participate or be terminated by the judge's ruling.
- ▶ Participants may be randomly tested for a drug and alcohol use throughout the entire program.
- ▶ All testing will be observed.
- ▶ The Behavioral Health Court treatment team will have access to all test results.
- ▶ A positive, abnormal, or missed test will be addressed by the Court through the sanction process.

Incentives and Sanctions

Incentives

Upon the recommendation of the BHC Team, participants may be given rewards or incentives for progress and compliance in the program may include, but are not limited to the following:

- ▶ Positive verbal feedback
- ▶ Recognition of significant achievements
- ▶ Name posted on high achievement bulletin board
- ▶ V.I.P seating in the courtroom
- ▶ Random spinner wheel with various incentives
- ▶ Certificates of completion for promotion to next phase
- ▶ Decrease in the number of docket appearances
- ▶ Graduation celebration

Sanctions

Will be given to participants when failing to actively participate in their required treatment plan, or conditions of probation. Purpose of sanctions is to encourage participants to follow through with the commitment they made to the BHC Team.

- ▶ Increased appearances in court
- ▶ Increased participation in treatment activities
- ▶ Increased reporting to Community Corrections and Adult Court Services
- ▶ Community service
- ▶ Court-ordered drug testing
- ▶ Loss of privileges (curfew, travel strictions)
- ▶ Jail sanctions
- ▶ Termination/ Removal from the program

Behavioral Health Court Phases

- The Behavioral Health Court treatment program is structured into four phases
- Each phase has specific milestones that must be obtained to progress in the program
- The duration of the program will be dependent on the unique treatment needs of individual participants.

- ▶ **Engagement Phase:** Orientation period to the requirements of the program per the court, probation, Substance Use Disorder and Mental Health treatment.
- ▶ **Wrap-around Phase:** Involvement in collaborative treatment continues while meeting expectations of the court.

- ▶ **Growth Phase:** Continue building on successes and their involvement in treatment.
- ▶ **Wellness & Recovery Phase:** Developing plans for ongoing recovery support and stability.

Confidentiality

- Participants are required to submit a signed BHC Universal Release of Information granting the exchange of protected health information (PHI) between all treatment team members and agencies.
- Additional release of information will be obtained for private providers when needed to track client treatment progress.
- All health and relevant personal legal information are shared in compliance with the Health Insurance Portability and Accountability ACT (HIPAA) and 42CFR.
- Court hearings are open proceedings. Participants case, compliance and some other information that might otherwise be confidential may be discussed in open court.
- The Team will be mindful of these open proceedings and only share information that is pertinent to the participants case, compliance and recovery.

Behavioral Health Court

Graduation and Benefits of the program

While in the program, participants will have access to many recourses to help them achieve their goals.

Upon completion of their program, participants can attend a formal graduation ceremony to celebrate and honor their success.

The participants underlying criminal convictions may also be eligible for immediate expungement.

The participant's family (and others they would like to attend) will be invited to join the graduation ceremony as the judge congratulates them on successfully completing the program and achieving their goal of establishing stability in their life.

Participants are encouraged to maintain contact with the treatment team. Participants are invited to return to Behavioral Health court as a visitor to share their success with the court and new participants. Former participant success are examples of positive influence on the current participants in the program.

Behavioral Health Court Conclusion and Participating Agencies

- ▶ The Behavioral Health Court exists to help those achieve stability and to assist them with integrating within the community as a productive and responsible citizen.
- ▶ Throughout the program participants will have access to many resources to help them achieve their goals, but the final responsibility is up to them.

- ▶ Kansas 10th Judicial District Court
- ▶ Johnson County District Attorney's Office
- ▶ Johnson County Mental Health Center
- ▶ Johnson County Court Services
- ▶ Johnson County Community Corrections
- ▶ Johnson County Sheriff's Office
- ▶ Community Advisors

Questions?

