



6th Judicial District

Behavioral Health Court

Policies and Procedures

Updated: March 2015

Introduction

In May of 2011 The 6th Judicial District of Colorado established The Behavioral Health Court (BHC) of La Plata and Archuleta Counties to more effectively address the number of mentally ill defendants cycling through the courts and jail. BHC is a collaboration of the County Court, office of the Public Defender (PD), Office of the District Attorney (DA), Sheriff's Department, Adult probation Department, and Axis Mental Health System.

Mission

Behavioral Health Courts in the 6th Judicial District will strive to reduce recidivism of *offenders with mental illness* and provide community protection with a cost effective, integrated continuum of care through the development and utilization of a broad range of community resources. Behavioral Health Courts will hold defendants accountable and assist offenders to achieve long-term *stability* to become law-abiding citizens, and successful family/community members.

About the Behavioral Health Court Program

The Adult Behavioral Health Court program is a voluntary, four-phase program for *offenders with a mental illness* who have not been successful in their compliance with treatment. The four-phase program consists of intensive supervision of clients by *behavioral health professionals*; frequent appearances before the Behavioral Health Court Judge; mandatory integrated behavioral health and substance abuse treatment, if indicated; substance abuse testing; probation, and perhaps a case manager. The four phases of the program are based on minimum time frames as well as the increased development of social competency at each phase. When the minimum time frames have been met and the core competencies as indicated in BHC handbook of that phase have been met, participants will advance to the following phase. Participants must have maintained a minimum of 6 months of behavioral health stability and abstinence of drug use before graduation from the program. Participants must successfully engage in treatment and exhibit law abiding behavior while in the program to progress and graduate. A thorough Aftercare Plan must also be developed by each participant prior to graduation. The program length, which is determined by the participant's progress, will not be less than 12 months.

Eligibility Criteria

No person has a right to be admitted into behavioral Health Court. [I.C. 19-5604]

The defendant must have a mental illness which is related to their current charge and/or for whom behavioral health treatment in a court supervised program can be expected to foster recovery and reduce recidivism.

Client Criteria:

The defendant must have a current (within the last 2 years) diagnosis of a least one of the following mental health diagnoses:

- Schizophrenia
- Major Mood Disorder (Bipolar Disorder, Major Depression)
- Psychotic Disorder (Schizoaffective Disorder)
- Borderline Personality Disorder or
- Another psychiatric illness contributing to a significant level of long term disability (this criteria is evaluated on a case by case basis)

If a defendant does not have a current diagnosis, the defendant must be evaluated by a psychiatrist or behavioral health professional to determine if the defendant has a qualifying mental illness.

Diagnosis of a co-occurring substance abuse disorder is not an exclusionary factor.

Defendant must meet the following criteria for resource coordination (case management) services, as defined by one of the following:

- Experienced five or more days of psychiatric inpatient treatment in the past 12 months.
- Met the criteria for involuntary psychiatric treatment within the past 12 months.
- Currently is receiving or is in need of mental health services and is receiving or in need of 2 or more additional services, such as drug and alcohol treatment, vocational rehabilitation, criminal justice, etc.
- At least 2 missed community behavioral health service appointments, or 2 or more face-to-face encounters with crisis intervention/emergency services personnel, within the past 12 months, or documentation that the individual has not maintained his/her medication regimen to the extent that symptoms are uncontrolled.
- At medium to high risk of re-offending based on assessment with the Level of Service Inventory.

Exclusionary Criteria:

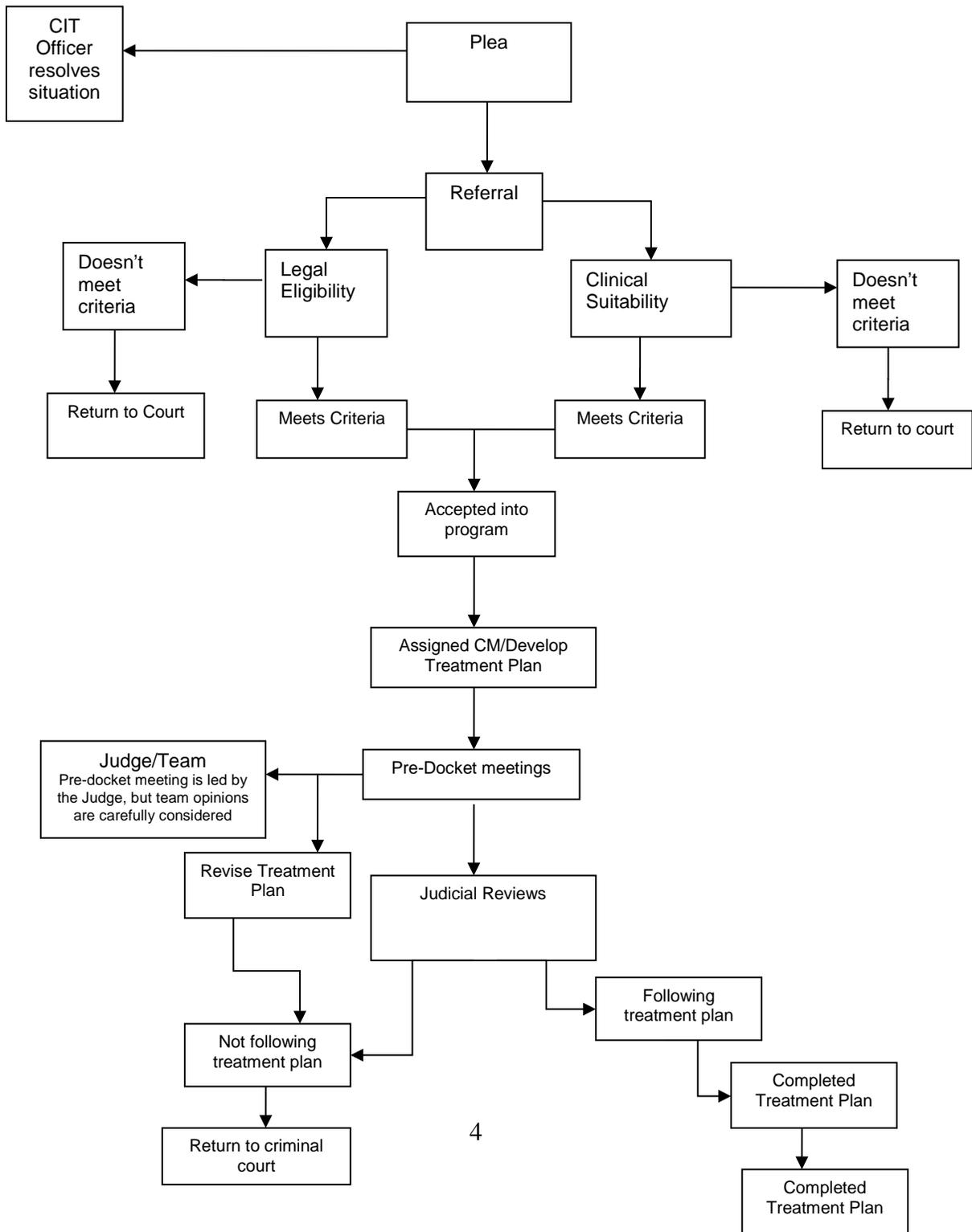
- Diagnoses of mental retardation, Alzheimer's disease, dementia and organic brain injury.
- You are currently charged with, or have pled or been found guilty of, a felony in which you committed, attempted to commit, conspired to commit, or intended to commit a sex offense. Each case will be evaluated on a case by case basis.

Behavioral Court Case Flow

- 1) Defendant is identified as having a mental health issue by District Attorney, Defense Attorney, Probation, La Plata County Jail, Law Enforcement, or District or County Judge;
- 2) DA and Defense Attorney reach plea agreement with Behavioral Health court option;
- 3) Mental health evaluation completion and PSI ordered;

- a. Client signs release of information allowing case to be discussed by BHC team
- 4) Review by PSC team
 - a. Accepted into BHC
 - i. Plea and sentence in BHC
 - b. Denied Acceptance into BHC
 - i. Sent back to District Court
 - ii. Could succeed on standard probation
 - iii. Standard probation likely
- 5) Too high risk or otherwise not appropriate
 - a. DOC likely

Behavioral Health Court



Staffing

The Behavioral Health Court Team shall ideally meet immediately prior to the Behavioral Health Court docket. The Behavioral Health Court Team shall discuss the status and progress of all offenders on the docket that day, as well as screen potential new clients.

Requirements

Behavioral Health Court participant are required to abide by the following:

1. Attend all ordered treatment sessions. This includes individual and group counseling, educational sessions, and other treatment as directed. Unexcused missed treatment sessions may result in a sanction.
2. Be on time. If client is late for treatment, client may not be allowed to participate and will be considered non-compliant.
3. No threats towards other participants or staff or behave in a violent manner. Violent or inappropriate behavior is not to be tolerated and will be reported to the Court. This behavior may result in a sanction or termination from the Behavioral Health Court program.
4. Attend all scheduled Behavioral Health Court sessions.
5. Abstain from the use of alcohol, illicit drugs, medical marijuana, spice, bath salts, and/or any other synthetic psychoactive chemicals. This condition is fundamental to successful completion of the program. Any prescription medication must be reported to the Behavioral Health Court Team for review before it may be taken. Abuse of prescription drugs will result in a sanction.
6. Submit to oral, urinalysis and/or breath tests as requested.
7. Maintain confidentiality of other Behavioral Health Court participants.

Incentives

Incentives are used to assist the client in achieving treatment goals. Incentives may include, but are not limited to; praise from the judge; applause; phase graduation; reduced court appearances; approval for travel; financial assistance with treatment or testing; graduation ceremony with a cake made by the judge.

Sanctions

Sanctions for noncompliance with Behavioral Health Court program rules may include, but are not limited to, additional treatment; community service; increased frequency of contact with probation or case manager; change in type of testing; criminal conviction or commencement of prosecution and any other sanction deemed appropriate by the Behavioral Health Court Team.

Termination from the Program

Clients can voluntarily terminate from the program at any time; however, the original sentence will then be imposed. The Behavioral Health Court Team can also involuntarily terminate a client from the program for non-compliance, new criminal charges, bench warrants or drug testing problems. The

Behavioral Health Court Team will jointly make all decisions regarding termination. If a client is involuntarily terminated from the program, the original sentence may be imposed.

Graduation Requirements

Upon successful completion of the Behavioral Health Court program a client will graduate from the program. In order to graduate from Behavioral Health Court all 4 phases must be completed.