

Clatsop County Treatment (Mental Health) Court Program Description

i.

MISSION STATEMENT

The Mission of the Clatsop County Treatment (Mental Health) Court Program is to provide opportunities for offenders to alleviate mental health symptoms, and to reduce substance abuse, criminal thinking and criminal conduct. The Clatsop County Treatment (Mental Health) Court seeks to reward and reinforce positive pro-social behaviors and suppress anti-social behaviors through the appropriate use of intensive supervision, treatment services, and immediate sanctions.

Goals:

The Clatsop County Treatment (Mental Health) Court is a program with the goal of increasing access to and engagement in mental health and substance abuse treatment for eligible persons with a mental disorder, disability or condition who are residents of Clatsop County and are charged with or convicted of certain eligible criminal offenses. The program shall provide evidence-based mental health treatment that will primarily address six criminogenic risk factors associated with criminal conduct: antisocial/pro-criminal attitudes, values, belief systems, pro-criminal associations, temperament, and personality factors.

Candidates: Referrals may come from mental health professionals, law enforcement, defense attorneys, pre-trial release officers, jail staff, family members, circuit court judges and community corrections.

ii.

ELIGIBILITY

Residency requirements – Participants must be Clatsop County residents and must continue residing in Clatsop County for the duration of their participation in Clatsop County Treatment (Mental Health) Court. Presently, transfers between Treatment (Mental Health) Court and other mental health courts are not possible.

Serious and persistent mental illness – any individual who is 18 years or older who is diagnosed by a QMHP and suffers from a chronic mental disorder as defined by ORS 426.495 (2)(b) which includes conditions such as schizophrenia, a serious affective disorder and paranoid disorders, or another chronic psychotic disorder which manifests symptoms that are not solely a result of mental retardation or other developmental disabilities, epilepsy, drug abuse, or alcoholism. These disorders must be likely to

continue for more than one year and substantially limit the individual's consistent functioning in one or more of the following areas: home environment, community negotiations, social relations and vocation. Other cognitive impairments or developmental disabilities may be considered on a case by case basis.

Eligible charges may include:

Certain felonies and certain misdemeanors – all will be considered on a case by case basis.

Counsel: Defense counsel will be made available if a Participant is charged with and is facing a formal probation violation for failure to comply with probation conditions or a violation of special conditions when placed in Clatsop County Treatment (Mental Health) Court.

iii.

SCREENING AND ASSESSMENT

Screening and Assessment:

The Clatsop County Treatment (Mental Health) Court Team will do an initial screening for eligible mental illness, disability or other cognitive impairment. The District Attorney may participate in determining eligibility based on charges and community safety. Individuals referred to outpatient treatment shall be assessed and evaluated to determine if they meet the criteria for a mental disorder in the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR). Further assessment tools, such as the GMHAT or as available at the Texas Christian University website www.ibr.tcu.edu, shall be utilized to further assess an offender's needs as they may arise in treatment.

All targeted offenders will be required to attend and participate in a state-certified intensive outpatient mental health treatment program as directed. Medium and high-risk offenders based upon the OCMS and LS/CMI risk assessment tool will be treated in the same setting. Low-risk offenders shall be treated separately from medium and high-risk offenders. The final referral for treatment to Clatsop Behavioral Healthcare, Choices Counseling or another appropriate treatment program shall be made after an initial screening process is completed by a Masters level Mental Health Professional. After screening, the referral to treatment shall be made in conjunction by Community Corrections and the Treatment (Mental Health) Court Team. The Clatsop County Treatment (Mental Health) Court Judge will make the final eligibility decision for those determined eligible for the Treatment (Mental Health) Court Program.

Chemical Dependency Treatment Screening: Due to the high incidence of co-occurring mental illness and substance abuse, the Clatsop County Treatment (Mental Health) Court Participants may be tested for alcohol and non-prescribed drug use as a diagnostic rule-out and, when indicated, as a treatment issue. The Clatsop County Treatment (Mental Health) Court Team, the Treatment Provider and/or the Probation

Officer will determine the need for ongoing or random UAs. Offenders that meet the criteria for substance abuse or dependence shall be referred to a local alcohol and drug treatment facility for an assessment and recommendation for substance abuse treatment.

iv.

RIGHTS OF PARTICIPANT

Waiver of Legal Rights: Defendants considered for entry into the Clatsop County Treatment (Mental Health) Court, pre-adjudication, must enter a Guilty or No Contest plea to a criminal charge. If Participant is revoked or removed from the Clatsop County Treatment (Mental Health) Court, the case will be set for a determination of whether their conditional discharge or deferred sentencing shall be revoked and the matter set for sentencing. Defense counsel will be made available to Defendants.

Right to Withdraw: After judicial approval to enter the program, the defendant will have 14 days to withdraw without prejudice.

Scope and Length of Judicial Supervision: The Clatsop County Treatment (Mental Health) Court is a one-year program, but may be extended at the Court's discretion for good cause. Participant must demonstrate acceptable movement through the Stages of Change, protracted stability, and must complete program requirements.

v.

PROCESS

Process:

When eligibility is determined, defendant will report to the next regularly scheduled Clatsop County Treatment (Mental Health) Court hearing. The Clatsop County (Mental Health) Treatment (Mental Health) Court will be held every Monday beginning at 10:00 a.m. in Courtroom 100, or such other times as the court may require. (Note, depending on the risk level of individual, staggered start times may apply.) The Treatment (Mental Health) Court Team will generally convene at 9:00 or 9:30 a.m.

If accepted into Clatsop County Treatment (Mental Health) Court, an appointment will be set for Participant (defendant) to work with the Probation Officer, Choices Counseling, Clatsop Behavioral Healthcare staff or other treatment provider to develop a treatment case plan. This plan will be based on needs identified by Participant and Participant's treatment provider and will cover mental and physical health care, Participant's goals, housing, employment, education, medication, chemical dependency treatment, psychosocial and case management needs as appropriate. This plan will be signed by Participant and approved by the Court.

Participant and Team members will receive a copy of the treatment case plan. The treatment case plan will be reviewed regularly and modified as needed.

The Court will be apprised of Participant's progress at regularly held Clatsop County Treatment (Mental Health) Court Team Meetings and Court hearings. Potential sanctions for non-compliance will be clearly written in the service and treatment case plan, detailing what action could be taken in response to the individual's failure to comply with conditions. At the same time, it must be recognized that psychiatric relapse or resistance to treatment can be a common occurrence for people with mental illness. Setbacks may have no relation to the individual's desire to comply with court orders or adherence to a treatment plan. When individuals run into difficulties while in Clatsop County (Treatment (Mental Health) Court, causes will be explored. A determination will be made by the Clatsop County Treatment (Mental Health) Court Team in conjunction with the Participant's mental health Treatment Provider and Probation Officer as to whether any noncompliance was willful, criminal behavior, a symptom of the mental illness, or was an indication of the need to change the treatment plan.

Participant will report for the Clatsop County Treatment (Mental Health) Court as directed. If there is evidence of sufficient progress through the phases, court appearances may then decrease. Increasing time in court may be used as a sanction for non-compliance.

Medical Privacy: Participants will be advised that some medical information may be discussed on the record from time to time and appropriate waivers/consents shall be required to be executed by Participants as a condition of entry into the Clatsop County Treatment (Mental Health) Court. The Clatsop County Treatment (Mental Health) Court and treatment providers will make reasonable efforts to protect Participant's privacy interests and will remain in compliance with HIPAA.

Positive Incentives: Positive incentives will be given for successful progress in the treatment plan and for meeting specific assignments. Incentives may include such things as: praise and encouragement from the Judge and other team members, applause of the entire group, less frequent court appearances, tokens of appreciation, graduation from Treatment (Mental Health) Court, award of a certificate of completion, and, if charges are pending, dismissal of charges. (Please see Treatment (Mental Health) Court Reward/Intervention Scale).

Sanctions for Non-compliance: Sanctions will be used in proportion to the gravity of the non-compliance with program requirements. Sanctions may include stern statements from the Judge, warnings or designation of "no tolerance" status, required development of lists or other written plans to deal with treatment-interfering behavior, time required to sit in court, work crew, jail time, and other appropriate sanctions. Non-compliance may include, but is not limited to, missed treatment, missed court dates, positive urinalysis, dishonesty to the court, demonstrated poor attitude in treatment or in court. (Please see Treatment (Mental Health) Court Reward/Intervention Scale).

Supervision: The Clatsop County Treatment (Mental Health) Court Team, Probation Officer, Choices Counseling supervisor, Clatsop Behavioral Healthcare supervisor or

and ultimately, the Judge will supervise all participants in the program. If a participant is on formal probation, a probation officer will also supervise. The Treatment (Mental Health) Court Team or the designated liaison from each participating agency will gather progress reports for the weekly case staffing from Participant's treatment providers and probation officer.

Successful Completion of Treatment (Mental Health) Court: To graduate from Treatment (Mental Health) Court, a Participant will: complete the treatment plan and (Mental Health) successfully move through the phases of the program devised by the Treatment (Mental Health) Court Team and approved by the Court. Participant will be asked to participate in an exit interview with the judge. The judge will determine if all qualifications for graduation have been met and make the final decision regarding qualification for graduation from Treatment (Mental Health) Court.

Upon successful completion of Treatment (Mental Health) Court, eligible charges may be dismissed for the diversionary or deferred sentencing Participant. Participant may petition to set aside the arrest, if allowed by law. Treatment and case management services are generally continued, but without further court monitoring.

Graduation Ceremony: The graduation ceremony will occur in the presence of all other Treatment (Mental Health) Court Participants. Participants are encouraged to bring family, friends and other guests that have been supportive and will continue to be supportive after graduation. Anyone wishing to make positive comments at that time will be able to do so. The graduate will be awarded a certificate of completion. If criminal charges are pending or deferred, a motion for dismissal will be filed by the DA and an order of dismissal signed by the judge.

Termination from Treatment (Mental Health) Court or Modification of Probation: Upon motion and order to show cause initiated by the Court, the State, or the Defense, Participant may be terminated, or probation may be modified by the Court upon a showing of good cause. If Participant does not successfully complete Treatment (Mental Health) Court or is revoked from the program, the original charges may be referred back to the criminal court for sentencing or disposition.

vi.

STEERING COMMITTEE

The Clatsop County Treatment (Mental Health) Court Steering Committee includes representatives from the following groups: 18th Judicial District Circuit Court Administration, Clatsop County Community Corrections, Clatsop County District Attorney's Office, Clatsop County Defense Bar, Clatsop County Treatment Providers, Clatsop County Sheriff's Department, Clatsop County Interagency Drug Task Force, Clatsop County Juvenile Department, Jail medical staff, NAMI representative, Treatment (Mental Health) Court graduate and community leaders. The Steering Committee will meet on a quarterly basis.

PROGRAM DESCRIPTION

STAFFING TEAM:

Circuit Court Judge

Judicial Assistant or Treatment Court Coordinator

Probation Officer (Clatsop County Community Corrections)

Treatment Provider (Choices Counseling)

Treatment Provider (Clatsop Behavioral Healthcare)

GOALS AND OBJECTIVES

The primary goal is to reduce recidivism among adult probation, post prison, and pre-adjudicated offenders with a present mental disorder as determined by the criteria of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR). The program is meant to decrease the likelihood of offenders committing new crimes by addressing antisocial/pro-criminal attitudes, values, belief systems, pro-criminal associations, temperament, and personality factors in evidence-based treatment. The program is also intended to stabilize offenders in the community through effective case management.

The program shall serve up to 20 offenders at once that will benefit from evidence-based treatment.

The short-term outcome objectives are that offenders engaged in the Clatsop County Treatment (Mental Health) Court program will move through the therapeutic stages of change more quickly and decisively, and that as a result, the program shall retain more individuals and improve success rates.

The long-term outcome objectives are to reduce recidivism and to increase successful Treatment (Mental Health) Court graduation rates from 48% successful to 60% successful after one year and up to 65% successful by year three.

KEY COMPONENTS

1. Treatment (Mental Health) Courts and other Specialty Courts integrate alcohol and other drug treatment services with justice system case processing.
2. Treatment (Mental Health) Courts and other Specialty Courts integrate mental health treatment services with justice system case processing.

3. Use a non-adversarial approach, prosecution and defense counsel promote public safety while protecting Participants' due process rights.
4. Eligible Participants are identified early and promptly placed in the Treatment (Mental Health) Court Program.
5. Treatment (Mental Health) Courts and other Specialty Courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
6. Abstinence is monitored by frequent alcohol and other drug testing as determined by treatment needs and level of compliance.
7. A coordinated strategy governs Treatment (Mental Health) Court responses to Participants' compliance.
8. Ongoing judicial interaction with each Treatment (Mental Health) Court Participant is essential.
9. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
10. Continuing interdisciplinary education promotes effective Treatment (Mental Health) Court planning, implementation, and operations.
11. Forging partnerships among Treatment (Mental Health) Courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

**Participants shall be given a Clatsop County Treatment (Mental Health) Court Rating Scale on a quarterly basis and each Participant will be encouraged to provide feedback to the Team about the program's effectiveness. Rating scales shall be reviewed on a quarterly basis.

PROGRAM ELIGIBILITY

The population to be served by the Clatsop County (Mental Health) Treatment (Mental health) Court shall include offenders with an Axis I diagnosis including Schizophrenia and Other Psychotic Disorders, Mood Disorders, and Anxiety Disorders on adult probation (bench, monitored or supervised), post prison supervision, and pre-adjudicated individuals. For individuals with dual diagnosis needs (having an Axis I mental disorder in conjunction with a substance abuse or dependence diagnosis) served under this program, an offender must have a mental disorder that is prevalent over an existing substance abuse or dependence diagnosis. Post Prison Supervision individuals shall receive structured sanctions through the Probation Officer, LC hearings officer, and/or Parole Board hearings officer. The Clatsop County Treatment (Mental Health) Court Judge will make the final eligibility decision for those otherwise determined eligible.

PROGRAM INELIGIBILITY

Individuals with only an Axis II Disorder (Personality Disorders and Mental Retardation) are not eligible for services under this program. Individuals with only an Axis I Substance Abuse or Dependence diagnosis are also not eligible for services under this

program. The Clatsop County Treatment (Mental Health) Court Judge will review referrals on a case by case basis and, in conjunction with the Treatment (Mental Health) Court Team, shall make the final eligibility decision for those otherwise determined ineligible.

COURT PROCEDURES AFTER ACCEPTANCE
(dress, court behavior, language, confidentiality, respect, use of phones, weapons, etc.)

Participant shall follow all directives of court, supervising officer or Team and shall abide by all court rules.

TREATMENT PROGRAM DESCRIPTION

Treatment practices must be theoretically rooted in cognitive behavioral therapy approaches and address six major criminogenic risk factors associated with criminal conduct: antisocial/pro-criminal attitudes, values and beliefs; pro-criminal associates; temperament; and, personality factors. Criminogenic risk factors shall be addressed in mental health treatment 80% of the time throughout the course of mental health treatment. Such services will utilize evidence-based programming meant to reduce recidivism and effect positive change to the offender with a mental disorder. This program shall maintain compliance with the Evidence-Based Correctional Program Checklist (CPC) and all of its recommendations. The CPC measures five areas: 1. Program Leadership and Development 2. Staff Characteristics 3. Quality Assurance 4. Assessment 5. Treatment Characteristics.

All therapeutic counseling approaches and curriculums shall be delivered with fidelity and staff administering treatment shall be appropriately and adequately trained to deliver evidence based mental health treatment. Mental health treatment shall be delivered by a credentialed Qualified Mental Health Professional (QMHP) and case management shall be delivered by an individual with a minimum of a Bachelor's degree in Criminal Justice, Psychology, Counseling, Social Work, or human service related field.

The scope of services shall be governed by applicable State of Oregon Administrative Rules (OARs). Services shall include, though are not limited to, a mental health assessment, treatment plan, and ongoing treatment services as recommended by the assessing QMHP. Services will be provided in various contexts throughout the community and may include, Clatsop County Community Corrections, Clatsop County Jail, and/or on the premises of the treatment agency.

The program is a minimum of twelve months in duration. For the **first six months** (to coincide with Phases I and II) of treatment, targeted offenders will engage in evidence-based treatment three times weekly. After **six months** (to coincide with Phases III and IV) of three contacts weekly, contacts can then be reduced to one time weekly if the offender is moving appropriately through the Stages of Change. After nine consecutive months of treatment, contacts can be moved to one time monthly for three months if the offender is making remarkable progress. Offenders with co-occurring disorders will have a minimum of one random urinalysis test weekly for the first six months of treatment. Urinalysis will then remain random throughout the entirety of treatment. Participants with a Global Assessment of Functioning (GAF) score in the range of 30 or less shall focus primarily on housing, obtaining benefits, and obtaining a stable medication regimen before being required to participate in the structured curriculum of counseling services that this program entails.

DRUG OR ALCOHOL TESTING POLICY

1. Phase I: One or two times weekly*
2. Phase II: One or two times weekly*
3. Phase III: Up to four times monthly*
4. Phase IV: Up to four times monthly*

*Notwithstanding the above guidelines, the frequency of UA's will be determined by the Team, depending on the Participant's level of risk for illicit or non-prescribed use.

UA's shall be observed and completed at Clatsop County Community Corrections with an on-site test or as directed. If an individual tests positive on a presumptive field test, the UA shall be sent to a lab for confirmation.

PROGRAM PHASES

The Stages of Change model shall be used to assess a Participant's progress through the program and the program phases. Stages of Change are described as:

- Precontemplative
- Contemplative
- Preparation/Determination
- Action
- Maintenance

Phase I (0-3 months) Intake, assessment, referral to treatment, medication review, complete action plans.

1. Participant must tell the truth
2. Participant must follow the Treatment (Mental Health) Court rules
3. Four weeks of continuous documented clean UA's

4. Complete assessments and treatment plans with all treatment providers
5. Take all medications as prescribed for four weeks consecutively
6. Complete LSCMI and case plan with PO
7. Complete Clatsop County Treatment (Mental Health) Court Rating Scale
8. Contemplative Stage of Change or better

Phase II (4-6 months) Stable involvement in appropriate treatment programs, medication taken as prescribed, and complete action plans.

1. Participant must tell the truth
2. Participant must follow the Treatment (Mental Health) Court rules
3. Eight weeks of continuous documented clean UA's
4. Follow through with treatment recommendations and have eight weeks of continuous attendance in prescribed treatment programs
5. Take all medications as prescribed for eight weeks
6. Compliance with supervision conditions
7. Complete the Clatsop County Treatment (Mental Health) Court Rating Scale
8. Participate in updating treatment plan and case plan
9. Preparation/Determination Stage of Change or better

Phase III (7-9 months) Focus on independent motivation to continue engagement in treatment, medication management, and complete action plan.

Team will monitor compliance regarding other aspects of probation. Team may modify Treatment (Mental Health) Court reporting requirements.

1. Participant must tell the truth
2. Participant must follow the Treatment (Mental Health) Court rules
3. 90 days of continuous documented clean UA's
4. Follow through with treatment recommendations and have eight weeks of continuous attendance in prescribed treatment programs
5. Take all medications as prescribed for eight weeks
6. Compliance with supervision conditions

7. Complete the Clatsop County Treatment (Mental Health) Court Rating Scale
8. Participate in updating treatment plan and case plan
9. Action Stage of Change or better

Phase IV (10-12 months) Participant in the Maintenance Stage of Change. Graduation

1. Participant must tell the truth
2. Participant must follow the Treatment (Mental Health) Court rules
3. 90 days of continuous documented clean UA's
4. Follow through with treatment recommendations and have eight weeks of continuous attendance in prescribed treatment programs
5. Take all medications as prescribed for eight weeks
6. Compliance with supervision conditions
7. Complete the Clatsop County Treatment (Mental Health) Court Rating Scale
8. Participate in updating treatment plan and case plan
9. Action Stage of Change or better

Phases may be extended or repeated if Participant is not compliant with treatment, medication, action plan or probation requirements.

GRADUATION

Participant must complete all four phases successfully, be in compliance with conditions of supervision, be clean and sober for at least 90 days, be in the Action or Maintenance Stage of Change, and be in compliance with all treatment providers.

****Please note that the Clatsop County Treatment (Mental Health) Court Team does not view this document or the program as a static process, but rather, an evolving document and process that tailors the program to effectively meet the needs of the individuals in the program. The Clatsop County Treatment (Mental Health) Court Team shall meet quarterly to assess compliance with The Key Components of Drug Courts, review client assessments, and modify the program to comply with CJC assessor and Steering Committee recommendations.**