

The background of the slide is a dark blue map of the state of Florida. A compass rose is overlaid on the left side of the map, with the cardinal directions N, S, E, and W labeled. The text is centered on the map.

Intercept 3 Specialty Courts

Statewide Planning of
Mental Health Courts

Statistics for Mentally III

- 11.3% of the population is in serious psychological distress.
- 26.2% or 1 in 4 adults suffer from a diagnosable mental disorder in a given year.
- Mid-year 2005 more than half of all prison and jail inmates had a mental health problem.
- These estimates represent 45% of federal prisoners, 56% of state, and 64% of jail inmates.

- ▶ 74% of state inmates and 76% of local jail inmates have a co-occurring substance dependence or abuse disorder.
- ▶ An estimated 22.6 million Americans were classified with substance abuse or dependence-9.6% of the population 12 or older.
- ▶ 80% of the 2 million men and women incarcerated-1.6 million people-are seriously involved with drug and alcohol abuse.
- ▶ 80% of all inmates are incarcerated for drug related offenses.

Specialized Dockets

- In response to this proliferation of offenders with substance abuse and/or mental health issues, specialized dockets were created.
- Specialized Docket: is a therapeutically oriented judicial approach to provide court supervision and appropriate treatment for offenders.

History of Specialized Dockets

- The first specialized docket was a drug court which was created in Miami-Dade County, Florida.
- Basic premise of the drug court program was to develop community collaborations for a complete system approach in handling cases with the highest recidivism rates.

Specialized Docket Model

The Model promotes:

- Wrap around treatment services;
- Intensive monitoring of offender progress by the court;
and
- Immediate sanctions.

- The result was a lower rate of recidivism for the offenders who went through the program.
- With the success of the Florida approach, drug courts spread throughout the country.
- National studies find a 2% to 20% recidivism rate for drug courts depending on the characteristics of the population.

Ohio History of Specialized Dockets

- The Supreme Court of Ohio has been staunch supporter of specialized dockets in Ohio trial courts.
- The development of specialized dockets has been an evolving process at the Supreme Court that began with the drug court movement.
- In 1992 Chief Justice Thomas Moyer began to recognize the need to address the increasing substance abusing population in the court system.

- In the summer of 1992 the Chief Justice began working with the Director of the Ohio Department of Alcohol and Drug Addiction Services to integrate alcohol and drug addiction treatment services into the criminal justice system.
- Formal evaluations have been conducted by University of Cincinnati, Wright State University, and Youngstown State University.
- The overwhelming success of these programs in reducing recidivism in Ohio was validated; Common Pleas Courts showed a 19% reduction in re-arrest rates 2 years from graduation.

- Program success resulted in a growing demand for technical assistance.
- In 2001 the Supreme Court responded by creating the Specialized Docket Section in the Judicial and Court Services Division.

Specialized Dockets Section


- Promote the creation of these dockets primarily through offering technical assistance in developing community collaborations to create a continuum of services to address the needs of offenders.
- The Specialized Docket Section provides technical support to courts in :
 - ✓ Analyzing the need for,
 - ✓ Planning of; and
 - ✓ Implementation of specialized docket programs.

- Specialized Dockets has developed, funded, and hosted training events both statewide and in individual communities for key personnel and stakeholders involved with specialized docket programs.
- The Specialized Docket Section has five full time employees.
- Encompasses issues related to:
 - ✓ drug courts, SAMI courts, mental health courts, domestic violence courts, DUI courts, re-entry courts, sex offender courts, etc.
- Upon request, courts, can receive written resource materials and/or personal assistance regarding any topics associated with specialized dockets.

- The Specialized Docket Section has attorneys on staff available to assist courts in resolving legal issues and court procedural issues that arise in creating a specialized docket program.

Advisory Committee on Mental Illness and the Courts

- Justice Evelyn Lundberg Stratton created the Advisory Committee in 2001.
- ACMIC is comprised of over 40 representatives from both the mental health and criminal justice systems.
- ACMIC promotes a holistic approach to handling the mentally ill offender in the criminal justice system and believes in promoting a continuum of care including mental health courts.

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- ACMIC encourages the establishment of county task forces and has promoted and organized resource materials for counties interested in developing solutions for the mentally ill offender.
 - ACMIC meets quarterly.

Overview of Ohio Specialized Dockets

- In Ohio, there are currently 76 operating drug court programs.
- Ohio has currently 33 mental health courts.
- Also, Ohio has 9 juvenile mental health court programs.

Ohio System Basics

- Ohio Department of Alcohol and Drug Addiction Services and the Ohio Department of Mental Health are cabinet level agencies.
- Ohio is a home rule state.
- Ohio is not a unified court state.
- All 88 counties look very different with regards to needs and resources.

Ohio Authority for A Court to Create A Specialized Docket

- Article IV Section 5(A)(1) of the Ohio Constitution gives the Supreme Court “general superintendence over all courts in the state”.
- Specialized Dockets are permitted under Rule 36(B) of the Ohio Rules of Superintendence and viewed as a case management tool for judges.
- No enabling legislation creates specialized dockets in Ohio.

Ohio's Key to Success

- Collaboration with key stakeholders
 - ✓ Ohio Department of Alcohol and Drug Addiction Services
 - ✓ Ohio Department of Mental Health
 - ✓ Ohio Department of Job and Family Services
 - ✓ Ohio Department of Public Safety

Mental Health Courts

- Based on the drug court specialized docket concept, which focuses on the treatment and rehabilitation of the recidivating substance abusing offender.
- Mental illness as a root cause contributing to a person's criminal involvement.

Goals and Objectives of Mental Health Courts

- Reduce length of confinement of mental ill offenders.
- Improve public safety.
- Expedite early intervention and case processing.
- Create effective working relationships between the mental health and criminal justice systems.

- Increase access to mental health services.
- Relieve jail over crowding.
- Improve mental health and well being of participants.

Components of the Mental Health Courts

- Stage of entry is at post-arrest-usually at plea/sentencing hearing.
- A plea is usually required to enter the program.
- Some courts hold the plea in abeyance and dismiss the charges upon successful completion.
- Participation in the program is voluntary.
- A team approach is always used.
- Representatives from the criminal justice and mental health systems form a cooperative and multi-disciplinary working relationship.

➤ Referral sources may include:

- ✓ police officer
- ✓ county jail personnel
- ✓ pretrial services officer
- ✓ probation officer
- ✓ prosecutor
- ✓ defense
- ✓ counsel
- ✓ family member

- Supervision of participants is intensive, with an emphasis on accountability and monitoring of the participant's performance in treatment.
- The Judge plays an integral role in the treatment and supervision process.
- Probation officers, case managers, and mental health professionals, are involved with the treatment and supervision of the offender.
- Team meetings and review hearings are held at regular intervals to track the offenders' progress.

- Rewards for good progress and sanctions for noncompliance.
- Sanctions may include change to the treatment plan, community service, or jail.
- Length of the mental health court program can be from one to five years depending on the jurisdiction.

- Disposition of charges:
 - ✓ some defendants have a conviction at the end of treatment and their sentence is suspended
 - ✓ conviction never entered
 - ✓ charges are dismissed

- Unfavorable termination: the offender goes back into traditional case processing on the original charge

Persons Served by Mental Health Courts


- Most Ohio mental health courts are found at the municipal level and focus on misdemeanor nuisance crimes.
- Butler County has a felony SAMI Court (there are 5 Common Pleas mental health courts).
- Violent offenders are usually not eligible.
- Offenders must have an AXIS I serious mental illness/ mental health diagnosis to be eligible.
- Some courts accept offenders with organic brain impairment or developmental disability.
- Defendant must be competent to stand trial.

- Eligibility may be determined by different team members depending on the jurisdiction:
 - ✓ prosecutor
 - ✓ pretrial services officer
 - ✓ probation officer
 - ✓ the entire team

State and Local Partners Needed to Create a Mental Health Court

- State Level:
 - ✓ Supreme Court of Ohio
 - ✓ Ohio Department of Mental Health
 - ✓ Ohio Department of Alcohol and Drug Addiction Services
 - ✓ Ohio Department of Youth Services
 - ✓ Ohio Department of Rehabilitation and Corrections

- Local level: a task force should be created and include the following
 - ✓ judge
 - ✓ law enforcement
 - ✓ prosecutor
 - ✓ public defender
 - ✓ pretrial services
 - ✓ court administration
 - ✓ probation department
 - ✓ case manager
 - ✓ ADAMH board representative
 - ✓ mental health treatment providers
 - ✓ substance abuse treatment providers
 - ✓ NAMI

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- Local task force analyzes the needs and resources to develop a mental health court implementation plan tailored to their individual community.

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