

# **Chatham-Savannah Mental Health Court**

## **VISION:**

To increase public safety in Chatham County, Georgia.

## **MISSION:**

To implement a Chatham-Savannah Mental Health Court that engages a community collaborative to link mentally ill non-violent offenders to community-based treatment and services and reduce their involvement in the criminal justice system, thereby allowing law enforcement to focus on the most dangerous and violent offenders in our community.

## **PROJECT APPROACH:**

To increase public safety by addressing individuals with mental illness with or without co-occurring disorders who repeatedly come into contact with the criminal justice system through an innovative cross-system collaboration under the direction of a mental health court, which is targeted and responsive to the needs of eligible nonviolent offenders, while preserving the integrity of the court.

## **GOALS:**

The goals of the Chatham-Savannah Mental Health Court are:

- ▶ To increase treatment compliance among participants.
- ▶ To utilize existing resources to ensure enhanced supervision of participants in the community.
- ▶ To ensure the early identification of participants and expedite their linkage to community services.

## **TARGET POPULATION:**

The Chatham-Savannah Mental Health Court's (Court) target population consists of adults seventeen years of age and older, who have a documented primary Axis I mental health diagnosis with or without an accompanying substance abuse disorder or developmental disorder, and are charged with non-violent misdemeanor or felony offenses. The Court will serve offenders with traumatic brain injuries and mental retardation based on the offender's ability to benefit from the program and the county's ability to provide effective treatment and services. There will be no restrictions as to gender, race, ethnicity, religion or socioeconomic status.

Excluded from participation are offenders currently charged with or that have previously been convicted of a violent crime or a crime that is sexual in nature.

## **ELIGIBILITY STANDARDS:**

To become eligible as a candidate for participation in the Chatham-Savannah Mental Health Court (Court), offenders must meet certain eligibility criteria.

The eligibility criteria is as follows:

- (1) **Mental Health Criteria:**
  - (a) A documented primary Axis I mental health diagnosis;
  - (b) With or without a co-occurring substance abuse disorder;
  - (c) The Court will serve offenders with mental retardation and traumatic brain injuries based on the offender's ability to benefit from the program.
  
- (2) **Legal Criteria:**
  - (a) Adults age seventeen or older;  
AND  
**Pending Charge(s):**
    - (b) Offenders currently incarcerated in the Chatham County Detention Center;  
OR  
    - (c) Offenders with pending non-violent misdemeanor or felony charge(s) under the jurisdiction of the Chatham County Recorder's, Magistrate's, State or Superior Courts;
  
- Probation Revocation:**
  - (d) Offenders charged with felony and/or misdemeanor offenses and sentenced to a period of probation and who are currently in the probation revocation process.
  
- (3) **Exclusion Criteria:**

- (a) Current charge or previous conviction of any violent offense, including those charges involving the use of a firearm or knife (see guidelines below);
- (b) Current charge or previous conviction of a sex crime;
- (c) Pending felony charge in any county other than Chatham County;
- (d) Illegal alien status.

**Definition of a “Nonviolent Offense” per Federal Statute “Mentally Ill Offender Treatment and Crime Reduction Act of 2004:”**

The term ‘nonviolent offense’ means an offense that does not have as an element the use, attempted use, or threatened use of physical force against the person or property of another or is not a felony that by its nature involves a substantial risk that physical forces against the person or property of another may be used in the course of committing the offense.

## **PROGRAM ENTRANCE/REFERRAL PROCESS:**

The entrance policy of the Chatham-Savannah Mental Health Court (Court) requires a referral from either: (1) The Chatham County Detention Center (CCDC); or (2) The District Attorney and/or the Public Defender's Office/Defense Counsel, or (3) The Probation Office (either State or Pride probation). The referral process is defined below:

### **Referral from the Chatham County Detention Center (CCDC):**

- (1) Upon intake at the CCDC, potential candidates for the Court are identified and his/her information is forwarded to the Mental Health Administrator at the CCDC.
- (2) The Mental Health Administrator is knowledgeable of the eligibility requirements for the Court and begins the preliminary mental health eligibility screen by identifying the: a) offender's current charge(s); b) previous incarcerations at the CCDC; c) previous placement, diagnosis, medications and treatment administered at the CCDC, and d) other information deemed necessary.
- (3) If the offender appears to be eligible for consideration for the Court, the Mental Health Administrator forwards the appropriate information to the mental health court coordinator. The information forwarded is restricted to the offender's name, date of birth, date of arrest and current charge(s) to ensure that medical information remains confidential until a waiver is executed by the offender.
- (4) The mental health court coordinator then forwards the appropriate information to the District Attorney and Public Defender's Office/Defense Counsel.
- (5) The mental health court prosecutor (prosecutor) and the mental health court defense attorney (defense attorney) discuss the offender's case and either agree or disagree that placement in the Court is an option.
  - a) If the prosecutor and defense attorney agree to Court placement, the defense attorney will approach the offender, explain that the offender is being considered for the Court, explain the Court's purpose and process (as outlined in "advice to be given to offenders"), and with the offender's approval, obtains a signed consent for the release of medical information.
  - i) If the offender declines consideration, the case is rejected and returned to the originally assigned judge.

ii) If the offender accepts consideration, the consent is forwarded to the mental health court coordinator who 1) adds the offender to the next staffing agenda and 2) forwards the consent to the treatment providers so they can perform a clinical assessment at the treatment office or CCDC.

b) If the prosecutor and defense attorney disagree as to Court placement, the case is no longer considered for Court participation and is returned to the originally assigned judge.

**Referral from the District Attorney or Public Defender's Office/Defense Counsel:**

(1) The prosecutor and defense attorney agree to the offender's placement in the Court.

(2) The District Attorney's Office informs the mental health court coordinator who adds the offender to the next staffing agenda.

(3) The defense attorney approaches the offender, explains that the offender is being considered for the Court, explains the Court's purpose and process (as outlined in "advice to be given to offenders"), and with the offender's approval, obtains a signed consent for the release of medical information.

a) If the offender declines consideration, the case is rejected and returned to the originally assigned judge.

b) If the offender accepts consideration, the consent is forwarded to the mental health court coordinator who forwards the consent to the treatment providers so they can perform a clinical assessment at the treatment office or CCDC.

**Referral from the Probation Office:**

(1) During the probation violation process, the probation officer identifies a offender who may be a suitable candidate for the Court.

(2) The probation officer forwards the information to the mental health court coordinator who a) adds the offender to the next staffing agenda and b) forwards the offender's information to the District Attorney and Public Defender's Office/Defense Counsel.

(3) The defense attorney approaches the offender and explains that the

offender is being considered for the Court, explains the Court's purpose and process (as outlined in "advice to be given to offenders"), and with the offender's approval, obtains a signed consent for the release of medical information.

- a) If the offender declines consideration, the case is rejected and returned to the originally assigned judge.
- b) If the offender accepts consideration, the consent is forwarded to the mental health court coordinator who forwards the consent to the treatment providers so they can perform a clinical assessment at the treatment office or CCDC.

(4) At the next staffing, the probation officer discusses the referral and the appropriateness of the offender for the mental health court program. The officer provides the mental health team with the current demographics and charge data for the offender. The prosecutor provides further information of the offender's criminal history such as a GCIC and/or NCIC. Once eligibility is confirmed, an arrest warrant is issued for the offender.

### **Case Procedure:**

(1) At the next staffing the candidate's case is considered. Considerations include: a) GCIC and/or NCIC and local criminal information provided by the prosecutor; b) medical information including the clinical assessment provided by the treatment providers and CCDC; c) mitigating information provided by the defense attorney, and/or d) probation noncompliance.

(2) A decision for the candidate's placement in the Court is made.

a) If placement in the Court is determined, the candidate is scheduled to attend at least one mental health court session in order to view the operation of the Court before official acceptance.

b) If placement in the Court is denied, the candidate's case is returned to the originally assigned judge.

(3) At the following staffing, supervision and treatment plans are submitted to the Mental Health Court Team for final approval.

(4) At the second mental health court session, the Judge explains the program again to the candidate. The candidate at this point formally accepts or rejects the offer to participate in the program.

a) If participation is denied, the candidate's case is transferred back to

the originally assigned judge and proceeds upon the traditional court process or the probation revocation process.

b) If the candidate accepts participation in the program, the case is officially transferred to the Chatham-Savannah Mental Health Court. Upon official program entrance, the candidate enters a negotiated plea, consent to probation revocation (sentence postponed) and/or enters the negotiated sentence, and signs the required forms (as outlined in "forms to be signed by candidate"). The candidate/participant begins treatment within 24 hours of his/her release.

## **PROGRAM COMPLETION POLICY AND PROCEDURE**

### **PROGRAM DISCHARGE:**

The policy of the Chatham-Savannah Mental Health Court (Court) is to assess each case individually with discharge from formal court appearances determined by the Court.

The impact of program completion (outcome of successful completion by the participant) is determined prior to Court entrance and varies from each individual case. The exact impact or outcome of program completion is decided by examining a number of factors including the severity and nature of the offense committed. Cases are also evaluated on a case-by-case basis considering the facts of each individual case.

Successful program completion as defined in this document means the participant has successfully complied with all mandated treatment, successfully completed all supervision and reporting requirements, successfully fulfilled all community service requirements and successfully paid all fines and restitution.

### **Felonies:**

Upon successful completion of the program, the Court may utilize its option to either a) suspend court appearances while still maintaining probation requirements or b) grant unsupervised probation for the remainder of a participant's sentence.

### **Probation Violations:**

Upon successful completion of the program, and where a participant entered the program from a probation revocation, an Order Dismissing the Probation Revocation may, where appropriate, be signed and filed with the clerk's office.

### **First Offender Act:**

Upon successful completion of the program, and where the participant entered the program as a First Offender under the First Offender Act, an Order of Discharge and Acquittal may be signed and filed with the clerk's office (although in most cases this will not occur until after the participant has completed the entire period of probation, including any supervised, unsupervised and/or suspended portions thereof).

### **Program Termination:**

- (1) If a program participant is repeatedly non-compliant or is consistently unable to meet program/treatment requirements, the mental health court team will discuss discharge.
- (2) The participant will appear at the next mental health court session for formal discharge by the Judge.

(3) The participant will be incarcerated until their case is officially transferred back to the traditional court process. If the participant entered the program through the probation revocation process, the participant will be incarcerated until a probation revocation hearing is held.

(4) Once the participant is removed from the Court, and transferred back to the traditional court process, the Mental Health Court Judge will sentence the participant in accordance with the law.

(5) All probation revocation hearings will be held by the Mental Health Court Judge regardless of who was the original sentencing judge.

(6) Upon program termination, the participant will no longer be represented by the mental health court defense attorney. If the terminated participant requests a court-appointed attorney for sentencing and/or the probation revocation hearing, the mental health court coordinator will make the referral to the Indigent Defense Program.