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MH/MI Pretrial Diversion

Presented By
Judge Winston Bethel
Chief Magistrate, DeKalb County

Fall Conference for State Court Judges, 2009

UGA Rural Development Center
Tifton, GA

October 14 – 16, 2009

CRIMINAL JUSTICE CONTINUUM
Law enforcement/Emergency services

Intercept 1

- Police-Based Specialized Police Response-CIT
- Police-Based Specialized MH Response-MH Professional employed by Police Department
- MH-Based specialized Response-Mobil Crisis Teams
- Court-Based Specialized Response-Involuntary Outpatient Commitment

National Gains Center/Council of State Governments/Deans, et al, 1999

CRIMINAL JUSTICE CONTINUUM
Initial detention/Initial court hearings & Jails/Courts

Intercept 2

- Expanded role of Pretrial Services
- Better use of technology to ID candidates and re-link them to services
- Structured follow-up w/ the community
- Court-Based jail diversion

Intercept 3

- Mental Health Courts
- Specialty Dockets of Drug Courts
- Community Courts

National Gains Center/Council of State Governments

CRIMINAL JUSTICE CONTINUUM
Reentry & Community Corrections/Community support

Intercept 4

Re-entry

Intercept 5

Corrections and Community Support

National Gains Center/Council of State Governments

CRIMINAL CHARGES AS LEVERAGE FOR INVOLVEMENT IN TREATMENT

- Decriminalization – Pre-adjudication, voluntary, participation in treatment as a condition of bond, prior to dispositional court.
- Diversion – Pre-adjudication, Plea entered, adjudication withheld, contract with judge or condition of bond, charges/adjudication held in abeyance based upon agreement to enter treatment.*
- Post-Plea – Adjudication occurs (Guilty Plea accepted) but disposition or sentence is deferred.*
- Probation Based – Conviction with treatment as a term of probation plus suspended jail sentence.*

*Griffin, Steadman, & Petrie, 2002

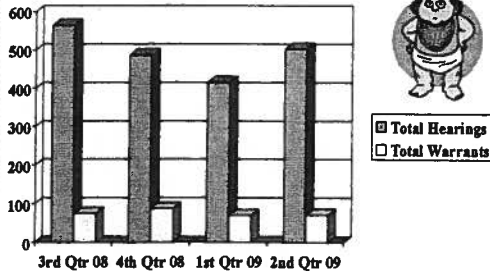
Domestic Violence Intervention Program

- Post booking/Pre-accusation response to crimes of family violence.
- Candidates are screened by the Solicitor General's Office

Child Abandonment Warrant Application Hearings

- Response to application for warrant under Code Sect. 19-10-1
- Hearings every Friday morning.
- Respondent is advised of his rights and has 3 choices:
 - Proceed with hearing.
 - Enter into agreement with DHR (Agreement is attached to Complaint to Establish Child Support and filed with Superior Court).
 - Request paternity test (Paid for by DHR if Respondent enters into agreement to pay child support).

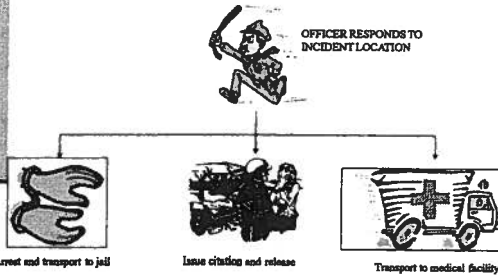
Abandonment Application Hearings



Total Hearings
 Total Warrants

DEKALB JAIL DIVERSION TREATMENT COURT

Officer Options



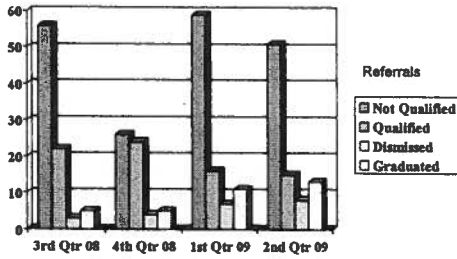
COURTS

- Magistrate Court
- Municipal Court
- Recorder's Court
- State Court (Misdemeanor)
- Superior Court (Felony)

PROCESS

- REFERRALS – All Sources
- SCREENING – Jail Mental Health
- EVALUATION / ASSESSMENT - LCSW
- TREATMENT PLAN – Staffing (Collaborative)
- CONDITIONAL BOND – Treatment Intervention

Diversion Treatment Court



TREATMENT NOT JAIL REDUCES RECIDIVISM



- Conditional bond requires offender to comply with treatment options
- Successful compliance case is dismissed
- Dismissal of case, consumer transferred to less intensive case manager by provider
