In The County Court of The Eleventh Judicial Circuit In And For Miami-Dade County

County Court Jail Division - Mental Health Agreement November 27, 2000

Current law requires law enforcement officers serving Miami-Dade County, having custody of individuals based on non-criminal or minor criminal behavior that meets the statutory guidelines for involuntary examination, to transport such persons to the nearest Baker Act receiving facility for examination, in accordance with the requirements of Florida Statutes 394.462(1)(f). In the event an individual with mental illness is arrested for a misdemeanor, pursuant to Florida Law 99-396, the following procedures shall be implemented by the signatories hereto:

Mental Health Procedures

(1) When an individual is arrested for a misdemeanor (other than Domestic Violence*), a Corrections Health Service's qualified mental health professional, i.e. a physician, clinical psychologist, psychiatric nurse or clinical social worker will examine individuals in need of mental health services. Based upon the examination, the professional may execute a Professional Certificate to initiate an involuntary examination pursuant to F.S.394.463(2)(a) 3. When possible, the Professional Certificate should be issued within 24 hours of the arrest. *Domestic Violence Division will be responsible for creating an agreement consistent with their needs.

(2) Upon execution of a Professional Certificate, Corrections Mental Health will immediately notify the Public Defender's Office (or other defense counsel), the State Attorney's Office and the Mental Health Administrator's Office and provide them with a copy of the Professional Certificate and the name and address of the receiving facility that has agreed to provide an involuntary examination.

(3) Upon receipt of the Professional Certificate from Corrections Mental Health, the Mental Health Administrator's Office will calendar the case before the county court jail division judge the next day of court for an Order of Transport to that receiving facility. The Mental Health Administrator's Office will also provide telephonic notice to the State and Defense of the calendared case. The signed Order to Transport will be delivered by the Mental health Administrator's Office to the Corrections Transportation Unit. In the event that the State or Defense has an objection to the transportation order, it is to be raised at the scheduled court hearing.

(4) Transportation to and from the receiving facilities and court hearings (in lieu of re-booking) will remain the responsibility of Miami-Dade County Corrections & Rehabilitation Department, upon receipt of court order. The court will issue a bench warrant hold upon release to a receiving facility. The bench warrant hold shall be designated in the computer as BWTH (bench warrant treatment hold). Corrections Mental Health shall also provide the receiving facility with a copy of the Professional Certificate, any other evaluations and a copy of the arrest affidavit. Corrections Mental Health shall work with the Public Defender's Office (when the Public Defender client agrees to treatment) and the Mental Health Administrator's Office to identify an appropriate receiving facility.

(5) The Baker Act receiving facility will be responsible for performing an evaluation to determine whether or not the individual meets criteria for involuntary placement pursuant to Chapter 394, Part I of the Florida Statutes.

(5a) If it is determined that the individual meets criteria for involuntary placement pursuant to the Baker Act, the receiving facility shall provide the Baker Act Assistant State Attorney with a copy of the arrest affidavit or charging document, a copy of the individuals' psycho-social history and the names, addresses and telephone numbers of any person expected to testify in support of the patient's continued detention and the substance of their anticipated testimony.

(5b) Once it is determined that the individual does not meet criteria for involuntary placement pursuant to the Baker Act, but the individual wishes to receive aftercare treatment, the receiving facility shall complete an aftercare report prior to the discharge of the individual charged with a misdemeanor(s) and will make all appropriate referrals. The report will include recommendations for aftercare services, including but not limited to, documentation of medication distribution in sufficient quantity pending follow-up appointment, a follow-up appointment for continuing mental health care, and an appropriate residential placement, if available. The report will be faxed by the facility 24 hours prior to the discharge to the Mental Health Administrator's Office and to the Public Defender's Office (or other defense counsel) and the State Attorney Office. The Mental Health Administrator's Office will notify the Offices of the Public Defender and the State Attorney of the impending discharge and shall place the matter back on calendar before the county court jail division judge within 24 hours of the notice and shall provide telephonic notice to the state and defense of the calendared case. The report shall be presented to the court at the hearing. When the individual is ready for discharge, the Mental Health Administrator's Office will make arrangements with Corrections Transportation Unit to transport the individual back to court. Unless otherwise required, Corrections shall return the individual directly to Courtroom 6-7 (Jail Division), without first re-booking the individual.

(5c) Once it is determined that the individual does not meet criteria for involuntary placement pursuant to the Baker Act, and the individual does not wish to receive aftercare treatment, the receiving facility shall denote and sign the aftercare report that aftercare services were offered, explained and refused.

(6) Upon returning the individual to the Jail Division, the County Court Judge shall consider the disposition of the pending criminal charges and, when possible, appropriately resolve them.

(7) The Florida Department of Children and Families will provide information regarding available resources for medication payment.

(8) The Florida Department of Children and Families will provide a continuum of appropriate mental health services, including case management services for the following individuals:

- Those individuals charged with a misdemeanor offense who upon transfer to a Baker Act receiving facility are determined to meet Baker Act eligibility requirements by a Baker Act receiving facility physician.

- Those individuals charged with a misdemeanor offense who are diagnosed as chronically and persistently mentally ill and who have an Axis I diagnosis of a major mental illness pursuant to the Diagnostic and Statistical Manual of Mental Disorders (DSM IV).

- Those individuals charged with a misdemeanor offense who are determined to meet all necessary Medicaid eligibility requirements shall be provided intensive case management services.

The provision of mental health services by the Department of Children & Families is subject to the limitations as referenced in Attachment I of the Agreement. The provision of mental health services by the Department is further limited and contingent upon availability of funding by the Legislature and allocation of necessary resources by the State Alcohol, Drug Abuse, and Mental Health (ADM) program office.

(9) The City of Miami Police Department and the City of Miami Beach Police Department agree to implement a "Memphis style" Crisis Intervention Team (CIT) program within their respective departments. The parties hereto will assist those police departments in the planning, training and implementation of this program.

(10) A multi-agency Task Force consisting of representatives of the agencies participating in this Agreement will meet on a monthly basis to discuss and resolve issues pertinent to individuals charged with misdemeanors who are in need of mental health services. This Task Force will work with all of the Police Departments in Miami-Dade County regarding the response of police to persons with mental illness who may be in crisis.

(11) Upon signature of the Florida Department of Children and Families, this amended Agreement shall supersede the previously agreed and signed November 22, 1999 County Court Jail Division-Interim Mental Health Agreement.

The undersigned this 27th day of November, 2000 agree to follow the above procedures.

Charles M. Auslander
District Administrator
Florida Department of Children and Families,
District 11

11/27/2000
Date

The Honorable Judge, Steven Leifman
Miami - Dade County
11th Judicial Circuit Court

1/29/01
Date

Russell W. Bullett for Luis Spears
The Department of Corrections

Carlos Martinez
The Public Defender's Office

The State Attorney's Office

The City of Miami Police Department

The City of Miami Beach Police Department

JMH – Public Health Trust

ATTACHMENT I
COMMUNITY MENTAL HEALTH CENTER (CMHC) PROVIDER AGREEMENT

If after professional screening and evaluation a misdemeanor defendant seems to be in need of acute care, the individual shall be referred to a Crisis Stabilization Unit (CSU) or a JMH (CSU). If the defendant appears to be mentally ill, but does not need acute services, the individual shall be referred to Community Mental Health Centers that have agreed to provide the following services:

1. Follow-up appointment with the psychiatrist within 7 days of jail release.
2. Sufficient medication to last through next follow-up appointment.
3. Housing, as available, since temporary & emergency housing is always needed.
4. Tracking and linking to continued care by a case manager.

Or if the individual is an alleged felon, they will be referred to UM/JMH treatment services.

The CMHC who will render the services outlined in this agreement are:

Robert S. Ward, Ex. Dir
Bayview Center for Mental Health

Mario Jardon LCSW

Mario Jardon, Ex. Dir
Citrus Health Network

PhD, LCSW

Sylvia Coates-Boynton, Behavioral Health Care, Ex. Dir.
Community Health of South Dade, Inc.

Daniel Brady, Ph.D, Ex. Dir.
Douglas Gardens Community Mental Health Center

Charles Barton, M.D., Ex. Dir.
Lock Towns Community Mental Health Center

Olivia Martinez, Ex. Dir.
Miami Behavioral Health Center

Evalina Bestman, Ph.D., Ex. Dir.
New Horizons Community Mental Health Center