

Rule 38. Mental Health Court (Adopted May 1, 2017)

A. Creation of Specialized Criminal Docket: The Ashtabula County Court of Common Pleas has established the following specialized docket according to the requirements set forth in Superintendence Rule 36.02 through 36.29:

1. Mental Health Court: This Specialized Docket was established in year 2017 with the goal of addressing the unique needs of offenders with identified mental health issues that contributed to the underlying offense while increasing the likelihood of future criminal justice system involvement. The overarching goal of the Mental Health Court Program is to reduce the likelihood of recidivism through intensive treatment, supervision and personal accountability.

B. Placement in Mental Health Court Program: Potential participants can be referred to the Mental Health Court Program, through various points of entry including:

1. Judge referral
2. Prosecutor referral
3. Request of Defense Counsel
4. Treatment Providers
5. Probation Officers
6. Domestic violence risk assessments;
7. Self-referral
8. Jail Referral

Referral can be made at any stage of the case or court process, to include arraignment, pretrial, pre-plea agreement, change of plea, intervention in lieu of conviction (R.C. 2951.041), post-plea (presentence investigation), sentencing, while currently under court supervision/community control or as a result of a community control violation. The referring entity contacts the Coordinator of the Mental Health Court Program who conducts an initial eligibility screening. If an offender is deemed eligible for participation, the formal screening and assessment process is initiated. All offenders referred to the Mental Health Court Program are screened using the validated Ohio Risk Assessment System (ORAS) either during the Presentence Investigation (PSI) or upon initiation of a community control sentence.

The following eligibility and disqualification criteria are specific to each individual docket:

- a.) Mental Health Court Eligibility Criteria:
- i. The current charge must be a community control sanction eligible offense.
 - ii. The offender is capable of participating in and completing the program.
 - iii. The offender demonstrates an interest in and a willingness to participate in the program.
 - iv. The offender would benefit from mental health treatment.
 - v. The offender resides in Ashtabula County.
 - vi. Offender is charged with an offense that is not defined as a sex-related offense (per ORC) and there is no history of sex related offenses (to be determined on a case by case basis).

vii. The primary diagnosis is not a substance abuse disorder.

viii. The primary diagnosis is not mental retardation, nor developmental disability.

ix. The offender meets diagnostic criteria for mental illness:

1) He/she must have a history of mental illness prior to the commission of the crime.

2) He/she must be diagnosed with a serious persistent mental diagnosis, not including personality disorders.

3) Other disorders will be considered on a case by case basis.

C. Case Assignment in Multi-Judge Courts: All cases are initially assigned to a Judge pursuant to Loc.R. 8.1. Upon referral and acceptance of a case to the Mental Health Court Program, the case is transferred to the Judge responsible for that docket. Upon unsuccessful termination of a specialized docket, the case is returned by the Mental Health Court Judge to the initially assigned Judge for further disposition.

D. Specialized Dockets Case Management: Case Management is an integral element of the Mental Health Court Program. All offenders referred to specialized dockets are screened using the validated Ohio Risk Assessment System (ORAS) either during the Presentence Investigation (PSI) or upon initiation of a community control sentence. Officers then develop an individualized case management plan that is maintained within the ORAS portal. This plan is prioritized based on the risk findings of the ORAS to ensure that the most imminent concerns are addressed immediately. Participants are educated as to the role of case management through the program description, participant hand-book and signed participation agreement. Participants, therefore, understand the relationship between the Court and adjunct service providers as well as the expectations for compliance. The case plan is an ever-evolving document that follows the offender through every state of community control supervision, thus ensuring continuity and that all identified issues and risks are addressed even beyond Mental Health Court Program involvement.

E. Completion/Discharge from the Mental Health Court Program:

1. Criteria for Successful Completion: Successful completion criteria are the guidelines used to identify how Mental Health Court participants can successfully complete the program. While program completion is based on a relatively standard set of expectations, each case is assessed individually and the Judge makes the final determination of successful completion.

In general, the following indicate positive accomplishment to be considered for successful completion (graduation):

- Completed community service hours;
- Demonstrated period of treatment compliance:
 - o Evidenced by submitting verification of treatment attendance; and
 - o Medication regime compliance as reported from Treatment Provider.
- Displayed a change in thinking, attitude and beliefs;
- Successfully completed treatment or programming, or continues to be actively engaged in treatment process;
- Maintained consistent employment and housing;
- Demonstrated ability to identify and eliminate criminal thinking patterns;

- Paid in full fines, court costs, restitution (if applicable), and treatment costs (inability to pay costs in full does not necessarily prevent success completion).

Accomplishments may include:

- Medication regime compliance;
- Demonstrated abstinence from alcohol and drugs as evidenced by negative screens (as relevant);
- Completion of treatment or continued engagement in treatment;
- Aftercare plan established;
- Completed Mental Health Court Program requirements including community service;
- Completed vocational or educational plan;
- Paid in full restitution, fines and court costs, unless otherwise determined;
- Displayed responsibility for his or her behavior;
- Demonstrated stability in the community.

The Mental Health Court Judge has discretion to determine when the participant will successfully complete the program.

In general, the process for determining when a participant has successfully completed the program includes the following steps:

- 1) Nomination: The participant and/or member of the Treatment Team offers a nomination of a participant for successful completion.
 - 2) Treatment Team Review: The Treatment Team conducts a review of compliant behavior and accomplishments, to include drug testing results, violations/sanctions, incentives, treatment compliance and aftercare activities.
 - 3) Treatment Team Recommendation: The Treatment Team then makes a formal recommendation to the Mental Health Court Judge.
 - 4) Judicial Decision: The Mental Health Court Judge determines that the participant successfully completed the Mental Health Court program.
 - 5) Graduation Ceremony: Each graduate has a formal graduation ceremony in which they are presented with a certificate of completion and addressed by the Treatment Team and participants. The Mental Health Court Judge makes a formal statement indicating the accomplishments of the graduate, thus reinforcing expectations for other participants.
 - 6) Aftercare Components: The participant is then directed to the aftercare component of the program.
 - 7) Final Disposition: Depending on case type, the underlying case is closed, or in cases implementing intervention in lieu of conviction, the underlying case is dismissed.
2. Neutral Discharge: There may be circumstances in which the participant is discharged from the Mental Health Court through a Neutral Discharge status. This status is assessed in situations when the participant has reached maximum benefit for various possible reasons:
- a serious medical condition;

- cognitive impairment;
- serious mental health condition;
- death;
- other factors that may keep the participant from meeting the requirements for success completion.

Inactive Status: There may be circumstances that necessitate a participant being placed in "inactive status," whereby they are not formally discharged from the program yet are not actively participating. Examples of situations warranting this status include participants who are:

- Placed in a residential facility and cannot be transported for status review hearings;
- Charged with new crimes pending adjudication and/or a final disposition for sentencing;
- In need of further assessments or evaluations to determine if the Mental Health Court is beneficial to the participant and the program;
- Unable/unwilling to comply with program requirements in a timely manner as directed; or
- Under an outstanding warrant for non-compliance from the specialized docket and the issue has not been resolved.