

**MEMO OF UNDERSTANDING
JACKSON COUNTY PILOT MENTAL HEALTH TREATMENT COURT**

This is an understanding between the **4th Circuit Court, 12th District Court, Jackson County Probate Court, Jackson County Sheriff Department, Jackson County Adult Probation, Foote Hospital, Lifeways, Professional Consulting Service (PCS), City of Jackson Police Department, Defense Counsel Representative, and Jackson County Prosecuting Attorney's Office.**

1. We agree to share the following vision for a Jackson County Pilot Mental Health Treatment Court:
 - A. Improve public safety by more effective monitoring and sentencing of mentally ill defendants in the criminal justice system;
 - B. Reduce the number of mentally ill defendants incarcerated in the Jackson County Jail;
 - C. Reduce the number of mental health hospitalizations of mentally ill defendants in Jackson County;
 - D. Enhance the quality of life of mentally ill defendants;
 - E. Coordinate the delivery of Mental Health Services and the Criminal Justice System and Court's response to mentally ill defendants.
2. We endorse the goal of establishing a Jackson County Pilot Mental Health Treatment Court in order for Participants to reduce their criminal behavior, and improve the quality of their lives. We acknowledge that for this pilot to be successful, there must be cooperation within a network of systems to facilitate and achieve the mission, challenge and vision of the Jackson County Pilot Mental Health Treatment Court.
3. We agree that the mission of the Jackson County Pilot Mental Health Treatment Court will be to successfully provide services and monitoring to mentally ill defendants to reduce the burdens on the criminal justice system, including the jail, and to reduce the costs on the mental health treatment system, including reducing in-patient hospitalizations.
4. We agree that seriously mentally ill defendants who are approved for this program must have close supervision and a coordinated probation and mental health treatment Order. We agree that the program should provide appropriate interventions, programming, reinforcement and monitoring.

5. We agree on the following principles:
 - A. Seriously mentally ill defendants require not only a Probation Order, but also mental health treatment services.
 - B. All criminal justice staff involved in the pilot, including the judge, need to develop expertise in working with seriously mentally ill individuals.
 - C. Regular appearances before a Judge are an effective way of maintaining compliance with a Probation and Mental Health Treatment Order.
 - D. Important decisions regarding the coordination of a Probationary Order and a Mental Health Treatment Order should be made collaboratively with input from mental health treatment professionals, probation officers, prosecuting attorney, defense attorney, and the judge.
 - E. All Participants should be accountable for their behavior and should be monitored with incremental sanctions for negative behaviors and positive rewards for improved behaviors.
 - F. The Pilot Mental Health Treatment Court should establish written protocols through a policies and procedure manual.
 - G. Participation in the Pilot Mental Health Treatment Court will be governed by written eligibility criteria established by the Mental Health Treatment Court Planning Committee.
 - H. A defendant's participation in the Pilot Mental Health Treatment Court will be voluntary.

6. The roles of the parties are as follows:
 - A. Prosecuting Attorney: Participate in the Planning Committee and Treatment Team, and attend all scheduled Court sessions. Assist in the development of eligibility criteria.
 - B. Jackson County Sheriff's Department: Participate in Planning Committee, Cooperate with the identification and screening of in-custody defendants for participation in the program. Provide feedback to the Treatment Team on any Community Corrections sanctions ordered for the participants. Assist with the training of officers in order to identify and refer eligible defendants.
 - C. Jackson County Probate Court: Participate in the Planning Committee. Authorize the designated Pilot Mental Health Treatment Court judge or the back-up judge to handle any involuntary commitment proceedings filed regarding a participant in the Pilot Mental Health Treatment Court.
 - D. 12th District Court: Participate in the Planning Committee. Designate a judge to be the primary judge for the Pilot Mental Health Treatment Court who will handle all Court sessions, and all Mental Health Treatment Team meetings. Designate a primary probation officer to handle probation functions for misdemeanor defendants.
 - E. 4th Circuit Court: Designate a judge to serve on the Planning Committee and provide a judge to serve as the back-up judge for the Pilot Mental Health Treatment Court.

- F. Lifeways (a Community Mental Health Agency): Provide a representative for the Planning Committee and designate an individual for the Treatment Team. Act as Fiduciary for MDCH grant funding.
 - G. Pilot Mental Health Treatment Court Judge: Chair meetings, preside in Court, coordinate Team activities, evaluations and planning, assist in the development of policies and procedures and written criteria for admission.
 - H. Defense Counsel Representative: Attend Planning Committee and Team meetings and any Court sessions. Insure that the Defendant's procedural and due process rights are followed.
 - I. Professional Consulting Services: Provide a representative on the Planning Committee. Conduct Mental Health evaluations, provide care coordination services, designate an individual for the Treatment Team.
 - J. Case Manager: Screen eligible individuals, participate in the Planning Committee, attend all Mental Health Treatment Team meetings to approve participants and monitor the participants' performance. Attend all Court sessions and provide feedback to the Court. Coordinate the activities of the mental health treatment providers, Probation, and the Court.
 - K. Jackson City Police Department: Designate a representative for the Planning Committee. Assist with the training of officers in order to identify and refer eligible defendants.
 - L. Foote Hospital: Designate a representative for the Planning Committee.
 - M. All members of the Planning Committee assist in the development of policies and procedures, including the development of written criteria for admission. Provide oversight and direction to the program.
 - N. All members of the Treatment Team shall attend all Court sessions and the pre-Court team meeting to discuss the progress of the participants and any applicable sanctions and incentives. Assist in the development of individualized Mental Health Treatment and Probation Orders for all participants.
 - O. A Consumer Representative of the Mental Health Treatment system shall serve on the Planning Committee and represent the interests of the consumers and their families.
7. The Planning Committee will including the following representatives:
- i. Prosecuting Attorney
 - ii. Jackson County Sheriff's Department
 - iii. Jackson County Probate Court
 - iv. 12th District Court
 - v. 4th Circuit Court
 - vi. Lifeways
 - vii. Defense Counsel representative
 - viii. Professional Consulting Services
 - ix. Case Manager
 - x. Jackson City Police Dept.
 - xi. Foote Hospital

- xii. A consumer representative of the Mental Health Treatment system in Jackson County.

The Planning Committee is expected to meet 3 times per year to review the policies and procedures of the Court and to plan for the future.

8. Admission Criteria for the Pilot Mental Health Treatment Court:

All of the following criteria MUST be met:

a) Individual has a diagnosis of:

- Schizophrenia
- Schizoaffective disorder
- Bipolar disorder
- Major depressive disorder with psychotic features
- Developmental Disability

Individuals with a substance use disorder co-occurring with one of the above diagnoses will not be excluded;

- b) Individual must present evidence of active Medicaid coverage;
- c) Individual has the capacity to understand the requirements of the Mental Health Court program;
- d) Individual must agree to participate in the Mental Health Court Program;
- e) The Treatment Team must determine, in its sole discretion, that the individual's mental illness contributed to his/her offense;
- f) The Treatment Team must conclude, in its sole discretion, that Mental Health Court intervention will result in symptom remission or reduction, and/or reducing the likelihood of further criminal offenses; and
- g) The Treatment Team must determine, in its sole discretion, that the individual does not pose an unacceptable risk to staff with whom he/she will come into contact as a Mental Health Court participant.

9. Eligible offenses for the Pilot Mental Health Treatment Court shall be as follows:

- a) Any Misdemeanor
- b) Any Possession of Drugs
- c) User Dealing – not for profit
- d) Felony Offenses with a maximum penalty of up to 5 years without habitual
- e) Larceny from a Person
- f) Uttering & Publishing
- g) Forgery

The following offenses are NOT eligible:

- a) CSC 4th
- b) Child Abuse – 3rd Degree

10. Additional Eligibility Requirements:
 - a) All applicants must be County Residents
 - b) Applicants may not be on parole

Eligibility for the Pilot Mental Health Treatment Court is in the sole discretion of the Pilot Mental Health Court Team.

11. Admission Process: All Defendants eligible for the Mental Health Treatment Court will be referred to Professional Consulting Services, who will do the following:

- a) Review the case for eligibility
- b) Obtain releases for records
- c) Obtain and review the criminal history
- d) Obtain and review the police report
- e) Confirm Medicaid coverage
- f) Review history of any prior terms of probation
- g) Submit the case with a recommendation to the Mental Health Treatment Team
- h) Conduct Mental Health evaluation

12. All defendants participating in the Mental Health Treatment Court are expected to:

- a) Appear in Court as required
- b) Comply with the Mental Health Services Plan and Probation Order
- c) Be subject to sanctions if not in compliance with the Plan, included, but not limited to: jail, curfew, community service, ISP, and tether.

It is anticipated that this Pilot Mental Health Treatment Court will commence in June or July of 2008 with a maximum enrollment of 15 defendants. Eligible defendants must already have been diagnosed with a serious mental illness or be developmentally disabled. Eligible defendants must have Medicaid.

All misdemeanor defendants are eligible. Any defendant charged with a felony, who is expected to be in an intermediate sanctions cell or a straddle cell, is eligible for screening. Participation is voluntary, and eligibility is in the sole discretion of the Pilot Mental Health Court Treatment Team.

The Pilot Mental Health Court Treatment Team will include the following:

- Judge
- 12th District Court Probation Officer
- Circuit Court Probation Officer
- Defense Representative
- Prosecutor
- PCS Evaluator
- PCS Case Manager
- Lifeways Representatives

Chad C. Schmucker,
Chief Circuit Judge

Darryl Mazur, Chief District Judge

Diane M. Rappleye, Probate Judge

Ed Heap, Circuit Court Probation

Matthew Murphy, Foote Hospital

Hank Zavislak, Jackson County Prosecutor

Michael Johnson,
Professional Consulting Service/
Case Manager

Joanne Sheldon, Lifeways

Michael Klaeren, District Judge

Susan Dehncke, Attorney Representative

Matt Heins, Chief, Jackson City Police

Dan Heyns, Jackson Co. Sheriff

Gail Silvey, Foote Hospital