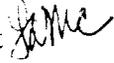


MEMORANDUM

October 7, 2016

TO: Public Safety Committee
Health and Human Services Committee

FROM: Linda McMillan, Senior Legislative Analyst 

SUBJECT: **Update - Mental Health Court**

Expected for this session:

The Honorable Gary E. Bair, Associate Judge, Montgomery County Circuit Court
Judy Rupp, Court Administrator, Montgomery County Circuit Court
Phil Andrews, Director of Crime Prevention Initiatives, State's Attorney's Office
Athena Morrow, Supervisor, DHHS Clinical Assessment and Triage Services (CATS)

Background

On August 2, 2016, the Council approved a supplemental appropriation of \$163,609 to the Department of Health and Human Services and \$29,952 to the Circuit Court for implementation of the Mental Health Court. This funding is in addition to \$97,000 in funding awarded to the District Court by the State's Office of Problem Solving Courts.

Last February when the Public Safety and Health and Human Services Committees met to discuss mental health services in the criminal justice system, it was noted that the Master Confinement Study considers the mental health court an "Unresolved Issue" for the system. The Bureau of Justice Assistance's brief, "Mental Health Courts – A Primer for Policymakers and Practitioners" uses the following definition.

"A mental health court is a specialized court docket for certain defendants with mental illness that substitutes a problem-solving model for traditional criminal court processing. Participants are identified through mental health screening and assessments and voluntarily participate in a judicially supervised treatment plan developed jointly by a

team of court staff and mental health professionals. Incentives reward adherence to the treatment plan or other court conditions, nonadherence may be sanctioned, and success or graduation is defined according to predetermined criteria.”

The joint Committee also received updates on the Montgomery County Mental Health Court Planning and Implementation Task Force that was convened by Judge John W. Debelius, III, Administrative Judge for the Montgomery County Circuit Court. The Task Force was chaired by Phil Andrews and Judge Gary E. Bair served as co-chair. The Task Force’s recommendations served as a basis for an application from Judge Eugene Wolfe, Administrative Judge for the Montgomery County District Court, and Judge Debelius. The Montgomery County Mental Health Court was approved and, as noted, the State provided \$97,000 in funding.

While Montgomery County will have Mental Health Courts in both the District and Circuit Court, it is expected that the majority of participants will be in the District Court. Judge Wolfe is not able to be at this session but has responded to questions from Council staff. Judge Bair and Ms. Rupp will be able to discuss these responses and the progress to date. The questions were based on information from the Court’s grant application.

1. Is the District Court still planning to hire a District Court Case Coordinator and a District Court Case Manager (as the grant was not fully funded). Has the District Court Case Coordinator and/or Case Manager been hired? If not, when does the Court expect to the position(s) to be filled?

Response: A request for proposal was placed through the State Office of Procurement to contract for services to be performed by the coordinator and the case manager. The process was recently completed and I (Judge Wolfe) should have applications this week. As soon as I receive applications, they will be forwarded to the interview team for review and scheduling of interviews. Hopefully interviews can be completed within the next week or two. Grant funds are being used to fund the coordinator and the case worker positions as the District Court does not have designated positions for MHC. We will have to contract for these services probably for the next two years or until positions are authorized through the Administrative Office of the Courts and the Legislature. If we find suitable candidates to occupy these positions, we expect to have them on board by late October or early November. We have been keeping the Office of Problem Solving Courts advised of our progress and there are no issues with our progress as relates to the grant.

2. Who are the primary and alternate District Court Judges that would be participating in the training and implementation of the Mental Health Court? If they have not been named, when do you expect to name them?

Response: The primary judge is Judge Patricia Mitchell. I (Judge Wolfe) have not named an alternate but will name the alternate judge as soon as I know whether one or more of our judges are appointed to Circuit Court. Even though Judge Mitchell is included in that group for possible appointment to Circuit Court, I felt it important to at least designate the primary judge. If appointments to Circuit Court are not made by the time we are scheduled for training, then I will make appointments so that judges under consideration for MHC can be trained.

3. The grant indicated that the District Court Coordinator and Case Manager and the Circuit Court Manager would attend IGRS SMART training by September 2016 to make sure participant data can be collected and reported. If the position(s) has been hire, have they been able to attend training?

Response: The persons who will perform these services have not been identified. We contracted out for services for the Mental Health Court coordinator and the case manager. An RFP closed recently and we are waiting to receive and review applications and set up interviews. The RFP process took longer than anticipated. As soon as these persons are identified, training, including training in the IGRS SMART system, will take place.

4. The grant indicates that policy and procedures manuals will be completed by December 2016? Is this still the timeline?

Response: Yes. It is our intention to be up and running in December at latest. We have relied heavily on the manuals and forms, etc., used in Prince George's County MHC and are adapting those for use in Montgomery County.

5. What is your best estimate of when the District Court will be able to assign a defendant to the Mental Health Court docket?

Response: If we open in December, I (Judge Wolfe) don't foresee our first participant before January, 2017. If we are able to identify individuals to occupy the coordinator and case manager positions soon, we could be up and running late November. In that case we may be able to accept defendants in December. This timeline is based on the process which must take place before a defendant is accepted into the program. We must have all moving parts in place before we can actually accept a defendant. The MHC Coordinator and case worker are critical to the application and screening process. The levels of consideration and review necessary to qualify for participation in MHC will take one to two weeks minimum, probably longer, to complete.

Ms. Morrow and Mr. Andrews will provide the joint Committee with comments on how the Department of Health and Human Services and State's Attorney's Offices are preparing and working with the Court to be ready to implement this effort once Court positions are filled and initial training is complete.