

II. Initial Considerations

Program Basics

Mental health court dockets are a growing phenomena in the realm of therapeutic jurisprudence. As a result of the years of experience gained through operating Ohio's programs, there is an emerging consensus as to what the fundamental characteristics of a successful mental health court docket are. Crucial elements for implementing a successful program include the following:

- **Docket**

Each mental health court operates as a judicially supervised separate docket with a focus on offenders with a primary diagnosis of serious mental illness;

- **Team Meetings**

Weekly or bi-monthly treatment team meetings are regularly scheduled to discuss the progress of the program participants;

- **Review Hearings**

The presiding judge regularly meets with the program participants at weekly or bi-monthly review hearings to discuss progress and outline goals. At this time, individualized sanctions and/or rewards are imposed based upon the participant's progress.

Determining the Need for a Mental Health Court Docket

When determining whether a court should develop a mental health court docket, a review of current court supervision needs should be considered.

- **Perform a Sample Review of Cases**

It is recommended that the court's probation staff perform a sample review of cases to determine the number of people currently under supervision who have a diagnosed serious mental illness that may have contributed to the offense committed. Select data from at least three months of the previous year's probation caseload and make sure each month identified is from a different season. If 10 or more probationers are identified with a diagnosed serious mental illness who would benefit from increased services and more intensive supervision, then a sufficient number of cases exist to create a mental health court docket.

Identify the Resources Available to the Mental Health Court Docket

In conjunction with determining whether the court has the appropriate caseload to justify creating a mental health court docket, the resources available to the court also must be examined. The court and the local treatment community must ascertain whether the necessary resources are available to operate the docket, including an evaluation of immediate accessibility to treatment and community services for program participants.

- **Analyze Available Court Resources**

While a mental health court docket does not increase a court's total caseload, it does require an increased time commitment from the judge and the court staff. Judges will need to set aside time on their dockets for the weekly or bi-monthly treatment team meetings and status review hearings. Because supervision of the participants is intensive, mental health court probation officers supervise smaller caseloads and have more frequent contact with participants and treatment team members.

- **Analyze Available Treatment Resources**

Treatment providers will discover most of the defendants identified for participation in the mental health court docket are current consumers of local treatment services. As such, the augmented cost to treatment and community service providers will come in an increased time commitment from their staff, as they participate in treatment team meetings and status review hearings with court personnel.

Advisory Committee & Key Stakeholder Involvement

If the judge determines a mental health court docket is feasible after examining the court's caseload and the available treatment and community resources, the judge should convene an advisory committee comprised of key community stakeholders.

Key community stakeholders are those local agencies or persons whose participation in initiating the effort is essential. The advisory committee should not be confused with the treatment team, which will operate the program and meet regularly with the judge to discuss the status of each of the program participants. While the members of the treatment team may be employees of the entities represented on the advisory committee, the advisory committee is comprised of the policy makers in the community and initially will be responsible for developing the philosophy and the framework for operations of the mental health court docket.

- **Importance of Creating Advisory Committee**

The success of a mental health court docket hinges upon the collaboration, cooperation, and participation of community stakeholders. Community stakeholders actively involved in the planning process will be more committed to the program created. Diversity among community stakeholders will bring different perspectives and insights to the planning process, which leads to multifaceted viewpoints and generates better solutions. This comprehensive input during planning will ensure creation of the most effective mental health court docket. Involvement of community stakeholders also ensures accountability. By being involved in the planning process, stakeholders are compelled to take responsibility for and ownership of the program created.

- **Members of the Advisory Committee**

At a minimum, the advisory committee should include a representative from the judiciary, prosecution, defense bar, probation, pretrial services, law enforcement, jail, alcohol and drug addiction services board, mental health services board, and mental health consumer advocacy groups. In addition to these core members, many judges also invite the mayor and/or county commissioners, directors of substance abuse and mental health treatment agencies, director of the local housing authority, directors of educational and vocational service entities and other relevant community members to participate.

- **Authority of the Advisory Committee Members**

Representatives who serve on the advisory committee must have policy making authority to do the following: commit the participation of the agency they represent; commit to participate fully in the planning process and understand their agency's role in it; dedicate the necessary amount of time to the planning process, including having the ability to adapt to scheduled meetings and establishing the process as a top priority; gain an understanding of the multiple needs of the populations being served—mental health, medical, vocational, educational—and have a sensitivity to racial, cultural, gender, and social differences; maintain a willingness to learn about best practices and innovative emerging practices of all participating systems; and make appropriate planning decisions and needed program changes.

- **Responsibilities of the Advisory Committee**

The initial duty of the advisory committee is to determine the overall policy providing the framework for the operation of the mental health court docket. This will include determinations of issues involving program priorities, goals, funding sources, and operating concerns, such as admissions criteria and the level of support provided to the court and the program participants by the local mental health and/or substance abuse/recovery board and the treatment providers.

The advisory committee also is important after the initial stages of program design and implementation. It plays a significant role as the program matures and seeks permanent integration and institutionalization into the community's criminal justice continuum. Once the mental health court docket is operational, the advisory committee should meet periodically (e.g., quarterly or biannually) to review the viability of the court's established procedures and processes to ensure they are working to support the goals and priorities originally envisioned.