

DISTRICT COURT PROBLEM SOLVING COURTS: MENTAL HEALTH COURT AN OVERVIEW

Hon. Patrice Lewis, District 5, Mental Health Court
Problem Solving Court Coordinating Judge



PROBLEM SOLVING COURT

Individuals with Serious Mental Illness represent an estimated 44% of all people entering jails nationwide.

This population is more likely to be arrested, incarcerated, and/or engaged in the criminal justice system than the general population. They cycle through courtrooms and jails that are ill-equipped to address their needs, and/or provide appropriate treatment. These practices are costly to individuals, families, communities, and the larger mental health and criminal justice systems.

Problem Solving Courts represent the combined efforts of treatment and justice professionals as an intervention designed to divert individuals with mental disorders away from incarceration and other ineffective responses, and into treatment. The programs adopt a non-adversarial, “problem-solving” approach to justice, and generally include court-supervised treatment alternatives for individuals with mental disorders in the criminal justice system.

Baltimore City:
Circuit and District Court

Frederick County:
District Court only

Harford County:
District Court only

Montgomery County:
Circuit and District Court

Prince George's County:
District Court only

MENTAL HEALTH COURT

MISSION

Mental Health Court (MHC) is a community-based judicial program established for defendants with mental illness that integrates treatment into the resolution of criminal cases. The program uses a specialized court docket to institute a problem-solving approach rather than the traditional, adversarial court processes.

This Court works to direct eligible offenders with mental illness away from incarceration and into appropriate community treatment. Our purpose is to:

- Reduce inappropriate incarceration of individuals with mental illness
- Promote their safety and well-being of individuals with mental illness
- Slow the “revolving door” of criminal recidivism for individuals with mental illness
- Decrease the length and frequency of psychiatric hospitalization for individuals with mental illness
- Always mindful of our duty to provide for the public safety and increase public awareness.

QUICK FACTS: MHC PRINCE GEORGE'S CO.

Started: September 2007

Structure of Program: Primarily Pre-Adjudication; conduct trials; post plea and violation of probations.

Court Hearing: Every Tuesday and Thursday at 10:30am and 2:00pm in courtroom 263B at the Upper Marlboro Courthouse (During COVID-19, hearings were held virtually now rarely but on occasion to accommodate defendants at residential placements); Pre-docket staffing meetings are held at 9:00am. The morning docket is primarily our detained defendants, and the afternoon calendar is made up of defendants in the community.

Program capacity: 200

As of February 24, 2023, there are 167 participants in Mental Health Court.

GENERAL ELIGIBILITY

(MAY VARY BY DISTRICT)

Offense and Offender Qualifiers

In order to be accepted into the Mental Health Court Program, a defendant must be:

- At least 18 years of age;
- Charged with a crime in the jurisdiction of the District Court;
- Diagnosed with a mild to severe mental illness, developmental disability, traumatic brain injury or trauma-related disorder;
- Willing and able to participate in treatment services; and
- A voluntary participant

Offense and Offender Disqualifiers

Admission may be denied if an application

- Has a detainer, pending sentencing hearing, or outstanding warrant in any jurisdiction that will interfere with program participation;
- Is charged with a violent or other ineligible crime, as determined by the State's Attorney's Office (SAO);
- Has a history of violent behavior as determined by the SAO; and
- Has a mental health or medical issue that would prevent him/her from full participation in the program

PRINCE GEORGE'S CO. PROGRAM COMPONENTS

Case Management – 4 case managers who maintain regular contact with clients including weekly check-in phone calls; coordinate with treatment and service providers as needed; provide status reports to the court regarding progress and compliance meetings

COORDINATOR: Melanie Countee

Office of the Public Defender – Dedicated panel attorney for participants in Mental Health Court: attorney

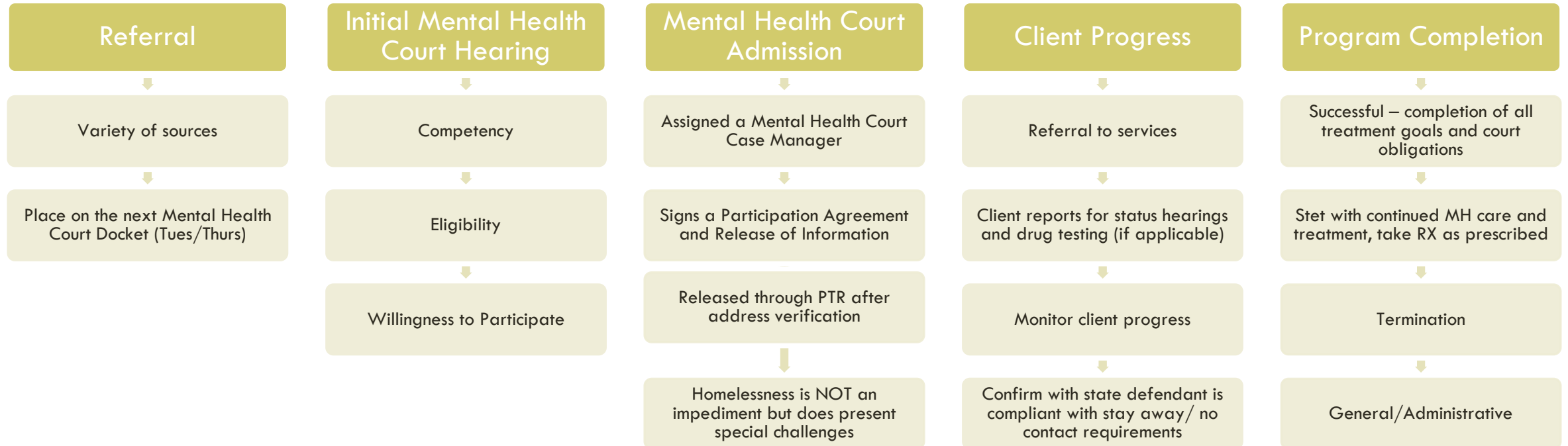
State's Attorney Office – Dedicated State's Attorney for Mental Health Court: assistant State's attorney

Community Supervision – Dedicated Probation Agent who coordinates Parole/Probation and a dedicated Pre-Trial Release services case manager, who keeps the court informed of check-ins, and compliance with other pretrial release conditions.

Alcohol and Drug Testing – Alcohol and drug testing varies depending on the client's needs; Participants generally begin testing two times per week for six weeks and then reduced to once a week, then once every two weeks and finally random, based on consecutive clean tests.

Treatment and Ancillary Services – Community providers for behavioral health services including assessment, medication management, psychotherapy, substance use disorder treatment along with supported housing agencies, health care physicians, Psychiatric Rehabilitation Programs, vocational services, etc

PRINCE GEORGE'S CO. MENTAL HEALTH COURT FLOW CHART

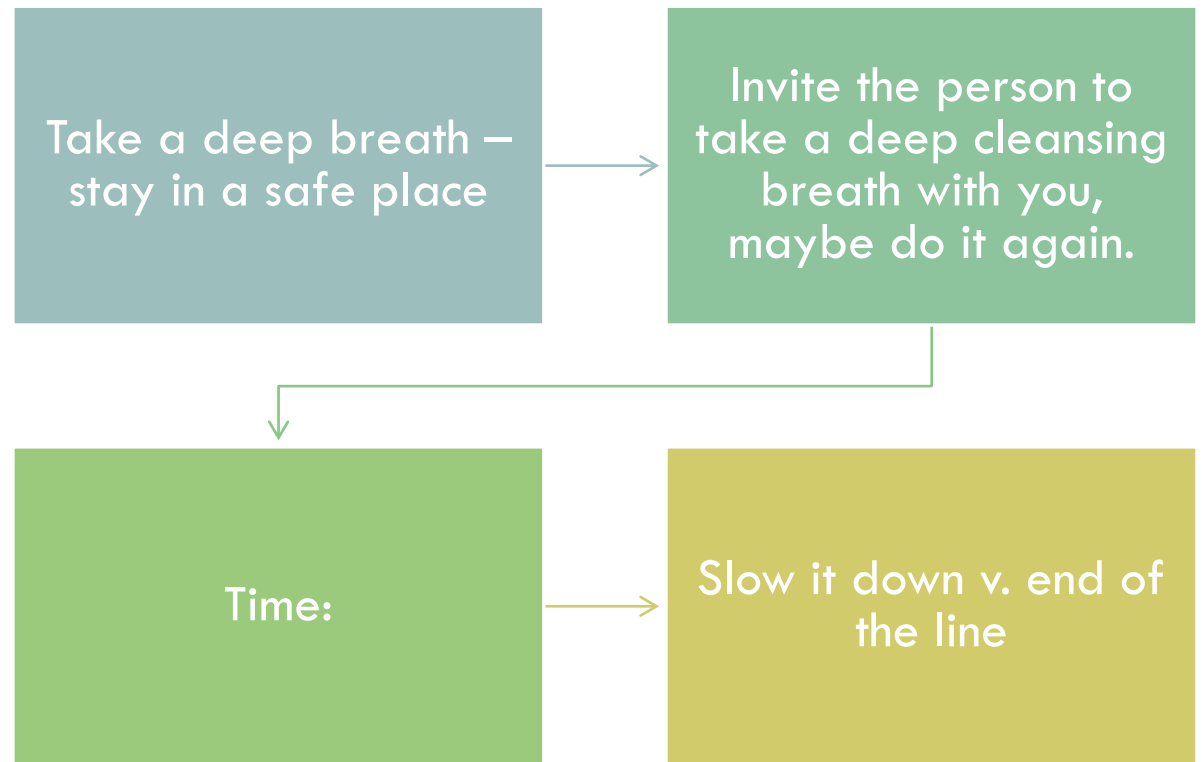


DE-ESCALATION: HYATTSVILLE POLICE

https://youtube/aNbY6H_ra4w



HOW TO COMMUNICATE WITH A PERSON WHO IS SUFFERING FROM A MENTAL HEALTH CONDITION



HOW TO COMMUNICATE WITH A PERSON WHO IS SUFFERING FROM A MENTAL HEALTH CONDITION

Assess the demeanor person:

Fluent in English?

Does the person appear to have:

-auditory or visual/sensory impairment?


-developmental disabilities?

-be under the influence?

-under duress (ie. Human trafficking)

Possible cultural issues/influences?

Medical status: shock, concussion, trauma?



HOW TO COMMUNICATE WITH A PERSON WHO IS SUFFERING FROM A MENTAL HEALTH CONDITION

.

Be patient, empathetic

Stay calm and steady; do not rush

Allow the person time to respond and redirect or refocus if necessary

If difficulty with open ended questions provide choices to decrease cognitive overload

Chose wisely what you insist upon and what you can be flexible about

You cannot control what happens, but you can control how you respond

WINDING IT UP

Do not feel the need to win, persuade or reason with a person who is mentally ill

Your duty is defined by the constitution, statutes, rules, and administrative directives

Once you have completed your responsibilities, conclude your hearing, move to your next task and cease further discussions/debate/argument, etc.

Take any necessary step(s) to ensure safety of anyone present

Yes, it can be easier said than done

THE UNHAPPY CUSTOMER

How to discern between someone who is recalcitrant and or suffering from a mental health crisis

TIME: allow yourself to discern what you are observing and what it could mean

Under the influence

Shock

Traumatized

Overwhelmed

Nasty

RECALCITRANT V. MENTALLY ILL

Recalcitrant – UNWILLING to comply

A recalcitrant person who is **able** to comply - but chooses not to do so

Mentally Ill – A diagnosable health condition involving significant changes in thinking, emotion and/or behavior that results in significant changes in thinking, emotion, behavior, functioning in social/work/family activities

A mentally ill person is unable to comply because of the internal mental health condition (despite possibly appearing articulate, logical, etc.)

QUESTIONS?

Contact Information:

The Maryland Judiciary website: [Mdcourts.gov](http://mdcourts.gov) Office of Problem Solving Courts, maintains a Coordinator Directory for each Problem-Solving Court in our state. Please consult the link below (the roster is 7 pages, by District/Circuit).

<https://www.mdcourts.gov/sites/default/files/import/opsc/pdfs/coordinatorslist.pdf>

NAMI Maryland: National Alliance for Mental Illness, Columbia, MD

ANY THOUGHTS FOR NEWLY MINTED JUDGES?

You can never be too kind,

too patient or

too humane

Work gently

Breathe deeply

Laugh freely