

**Memorandum of Understanding
OAKLAND COUNTY CIRCUIT COURT – CRIMINAL DIVISION
MENTAL HEALTH TRACK OF THE ADULT TREATMENT COURT**

This agreement is entered into between Oakland County Sixth Judicial Circuit Court-Criminal Division, Oakland County Community Mental Health Authority, Michigan Department of Corrections (Adult Probation–Oakland County), Oakland County Community Corrections, Oakland County Prosecutor’s Office, Oakland County Sheriff’s Department, Oakland County Office of Substance Abuse Services, and Defense Counsel Representative, document the roles and responsibilities of each agency in the planning and operation of the Mental Health Track of the Adult Treatment Court.

A. Program Description

The Oakland County Sixth Circuit Court-Criminal Division proposes to incorporate mental health treatment and offender accountability into the criminal justice process. The creation of a Mental Health Track of the Adult Treatment Court will allow the Circuit Court to create the capacity to treat offenders with mental illness, and those with co-occurring disorders (mental health and substance abuse).

To be eligible, offenders must be charged with a non-violent felony offense, have a demonstrable mental illness, live within Oakland County, and be willing to participate in the Mental Health Track. Upon acceptance into the Mental Health Track, the offender will enter and complete four successive treatment stages. Each stage treats and challenges the offender in order to meet his/her

needs while maintaining a high degree of public safety. Successful completion of the program affords the offender an opportunity to avoid jail or prison. In addition, the offender benefits by stabilizing his/her mental illness and resuming as a contributing member of society more quickly.

B. Mission Statement and Program Goals

The mission of the Oakland County Mental Health Track of the Adult Treatment Court is to improve public safety, reduce recidivism and forge valuable community partnerships in an effort to improve the quality of life for participants with mental illness.

We agree on the following Core Principles:

1. To treat all participants with dignity and respect
2. To respect the opinions of both participants and colleagues
3. To commit to the success and sustainability of the program

Goal 1: Increase public safety

OCCC anticipates that the Mental Health Track will increase public safety by reducing overall crime rates for individuals with co-occurring conditions that are seen in the court currently.

Goal 2: Facilitate participation in effective mental health and substance use disorder treatment

OCCC and OCCMHA strongly believe that working collaboratively and quickly with mentally ill offenders will increase the likelihood that those persons will engage in treatment and will successfully complete (or remain) in needed care.

Goal 3: Improve the quality of life, community integration, participation in treatment, and self determination for people with mental illnesses charged with crime

OCCC and OCCMHA believe that persons with SMI can be more effectively and ethically given the treatment that they need through this model, and view the Mental Health Track as part of self determination as offenders with co-occurring disorders will be given choice to receive needed treatment instead of (only) incarceration.

Goal 4: Reduce symptoms of mental illness, and increase stabilization and social functioning of the target population

Through more rapid assessment and placement into necessary services, the Mental Health Track will be able to stabilize SMI offenders and their associated symptoms which will speed the functionality of those individuals and more favorably impact their family system.

Goal 5: Make more effective use of limited criminal justice and mental health resources

The current court docket at OCCC is crowded with offenders suffering from co-occurring disorders. The court staff often struggles to effectively and efficiently manage the need of SMI offenders in tandem with balancing the need for community safety. The Mental Health Track will establish a procedure to link needed community resources into the court sentencing process, hasten referrals and treatment, and ultimately make better use of the limited resources in both the criminal justice and mental health organizations in the community.

Goal 6: Reduce alcohol or drug use among the target population

Incidence of co-occurring substance abuse for SMI offenders is as high as 50 percent. (SAMHSA report, 2006) OCCC believes that SUD among the target offenders can also be stabilized along with SMI symptomology.

Goal 7: Reduce alcohol or drug-related crime among this population

A natural side product of reduction in SUD symptoms should be a co-associated reduction in substance-use related crime.

Goal 8: Improve court case processing

The court should be able to improve the effectiveness of managing SMI offenders on the docket, and decrease the incidence and severity of any recurrent offenses, e.g. if SMI offenders are able to be seen they will not be "regulars" in the criminal justice system.

Goal 9: Alleviate incarceration/detention

As stated, linking SMI offenders to treatment quickly and accurately should show sustaining decrease in confinement rates.

Goal 10: Reduce recidivism (i.e. arrests, probation violations, and new charges)

OCCC anticipates that recidivism rates will decrease with SMI offenders that successfully complete the Mental Health Track program.

Goal 11: Increase participation in education or employment

For those SMI offenders the intention will be to look at involvement in supported employment through the CMH, some level of employment and/or educational training.

Goal 12: Reduce homelessness among the target population

Another outcome that will be assessed is the living circumstance of SMI offenders with the goal being to decrease homelessness wherever possible and create viable housing options.

C. Provisions

To this end, each agency agrees to participate by coordinating and/or providing the following:

Oakland County Circuit Court-Criminal Division agrees to:

- 1) Designate a Judge to preside over the Mental Health Track of the Adult Treatment Court and docket.
- 2) Establish a planning committee to develop written program policies and procedures.
- 3) Establish procedures to be used to determine that defendants have sufficient understanding to participate in the program.
- 4) Establish points of participant eligibility for the Mental Health Track of the Adult Treatment Court at post arraignment or later.
- 5) Designate primary court personnel responsible for answering questions, serving as liaison to agency personnel, and participating in treatment team meetings and status review hearings.
- 6) Indicate processes by which court personnel will identify prospective program participants, initially screen for legal and clinical eligibility, and refer prospective program participants to the community mental health service program for further assessment.
- 7) Identify the clinical eligibility criteria for the designated target population.
- 8) Designate case manager roles, responsibilities, and caseloads.
- 9) List the procedures court personnel use to relay information regarding prospective participants to the treatment agency to enable them to conduct the psychiatric assessment to determine clinical eligibility.

- 10) Develop preferred methods, forms, and timetables for exchanging information between court staff and agency personnel regarding court-related progress and compliance of program participants, including filing of new criminal charges or technical probation violations, and reporting results of drug and alcohol tests.
- 11) Compile and submit any mandated financial or program progress reports to the appropriate agencies.
- 12) Comply with all Mental Health Track Policies and Procedures that have been previously agreed upon by all parties.
- 13) Work with the community mental health service program to determine consumer representative(s) on the planning committee to represent the interests of participants and their families.

Adult Treatment Court-Mental Health Track Judges agree to:

- 1) Chair meetings, preside over status review hearings, coordinate team meetings, participate in the development of policies and procedures, and assist with identifying funding sources to sustain the program.
- 2) Assist in the development of legal and clinical eligibility criteria.
- 3) Use incentives, sanctions and disciplines as deemed necessary for participant success.
- 4) Comply with all Mental Health Track Policies and Procedures that have been previously agreed upon by all parties.
- 5) Participate in training on how to screen for eligible participants.

Oakland County Community Mental Health Authority agrees to:

- 1) Assist in the development of legal and clinical eligibility criteria.
- 2) Participate on the planning committee.
- 3) Comply with all Mental Health Track Policies and Procedures that have been previously agreed upon by all parties.

- 4) Identify primary agency personnel responsible for answering questions, serving as liaison to court personnel, and participating in treatment team meetings and status review hearings.
- 5) Provide a description of services including admissions and discharge criteria available to Mental Health Track participants and notify the court in writing of any changes in program services offered.
- 6) Communicate maximum time frames needed to conducting psychiatric assessments from date of court referral, beginning program participant treatment from date of acceptance, and exchanging progress and compliance information from date of occurrence.
- 7) Develop preferred methods, forms, and timetables for exchanging information between agency and Mental Health Track docket personnel regarding agency-related progress and compliance of program participants, including appointment attendance, medication compliance, drug and alcohol test results, individualized treatment plan status, progress, changes, agency discharge plans, and recommendations for continuing care or additional service needs.
- 8) Participate in treatment team meetings and in staffing of cases.
- 9) Coordinate with OCHD/OSAS for substance use disorder treatment services for persons with co-occurring mental health and substance use disorders.
- 10) Provide training to team members on how to screen for individuals exhibiting symptoms of mental illness.
- 11) Provide information to the Mental Health Track team on relevant mental health confidentiality and recipient rights laws.

Oakland County Prosecutor's Office agrees to:

- 1) Assist in the development of legal and clinical eligibility criteria.
- 2) Participate on the planning committee and in the staffing of cases.
- 3) Designate someone to attend treatment team meetings and all scheduled court proceedings.
- 4) Interact with defense counsel in a non-adversarial manner to address pleas and the application of sanctions and incentives.

- 5) Screen all potential participants based upon established eligibility criteria.
- 6) Comply with all Mental Health Track Policies and Procedures that have been previously agreed upon by all parties.
- 7) Participate in training on how to screen for eligible participants.

The Defense Counsel Representative agrees to:

- 1) Assist in the development of legal and clinical eligibility criteria.
- 2) Participate on the planning committee and in the staffing of cases.
- 3) Interact with defense counsel in a non-adversarial manner to address pleas and the application of sanctions and incentives.
- 4) Designate someone to attend treatment team meetings and all scheduled court proceedings.
- 5) Comply with all Mental Health Track Policies and Procedures that have been previously agreed upon by all parties.
- 6) Screen all potential participants based upon established eligibility criteria.
- 7) Participate in training on how to screen for eligible participants.

Oakland County Sheriff's Department agrees to:

- 1) Participate on the planning committee.
- 2) Identify and screen in-custody offenders for referral to the Mental Health Track based upon eligibility criteria.
- 3) Designate an officer(s) who will complete specialized training on identifying individuals with mental illness. This officer(s) will be a member of the Mental Health Track team.
- 4) Comply with all Mental Health Track Policies and Procedures that have been previously agreed upon by all parties.
- 5) Participate in training on how to screen for eligible participants.

**Michigan Department of Corrections–Oakland County Probation
Department agrees to:**

- 1) Participate on the planning committee.
- 2) Designate probation officer(s) to handle all presentence and supervision duties for the Mental Health Track caseload, and to serve on the team.
- 3) Identify and recommend referrals.
- 4) Attend status review hearings and team meetings.
- 5) Comply with all Mental Health Track Policies and Procedures that have been previously agreed upon by all parties.
- 6) Participate in training on how to screen for eligible participants.
- 7) Monitor progress of Mental Health Track participants
- 8) Share progress and disseminate information to team members

Oakland County Community Corrections agrees to:

- 1) Participate on the planning committee.
- 2) Designate staff to assist in case planning and to serve on the team.
- 3) Assist with Identifying and recommending referrals.
- 4) Attend status review hearings and team meetings.
- 5) Comply with all Mental Health Track Policies and Procedures that have been previously agreed upon by all parties.

Oakland County Office of Substance Abuse Services agrees to:

- 1) Comply with all Mental Health Track Policies and Procedures that have been previously agreed upon by all parties.
- 2) Provide, arrange, or coordinate integrated treatment services with the CMHSP for persons with co-occurring mental health and primary substance use disorders.

- 3) Provide information to the Mental Health Track team on a timely basis regarding participant treatment progress.

The Mental Health Track Liaison agrees to:

- 1) Coordinate the work and activities of all parties serving as members of the Mental Health Track team.
- 2) Serve as primary contact person for OCCMHA.
- 3) Screen all potential participants based upon established eligibility criteria.
- 4) Assess all participants to determine level of care
- 5) Collaborate with the participant, other treatment providers and team members when developing the treatment plan.
- 6) Coordinate activities with assigned probation staff without duplicating supervision activities.
- 7) Comply with all Mental Health Track Policies and Procedures that have been previously agreed upon by all parties.
- 8) Serve as the primary team member that brokers services for mental health treatment, and monitors participant compliance and progress with the treatment plan.
- 9) Participate in mandatory and non-mandatory training as needed.

D. Methods for Exchanging and Maintaining Confidential Information

The Oakland County Adult Mental Health Track team agrees to comply with all confidentiality requirements of HIPPA; 42 CFR Part 2; Michigan Mental Health Code; and the Michigan Public Health Code.

E. Other Data Reporting Requirements

The Oakland County Adult Mental Health Track team agrees to comply with all necessary reporting requirements as mandated by the State Court Administrative Office (SCAO) and the Michigan Department of Community Health (MDCH).

F. Mutual Indemnification

The participating agencies agree to indemnify, defend, and hold harmless each other and their officers, agents, and employees from any and all claims, actions, or proceedings arising solely out of the acts or omissions of the indemnifying agency in the performance of this Memorandum of Understanding.

The participating agencies agree that each is acting in an independent capacity and not as officers, employees, or agents of the other agencies.

G. Terms of Agreement

This Agreement is effective immediately and may be renewed each year upon mutual agreement of all parties.

H. Fiscal Terms

This Memorandum of Understanding does not involve an exchange of funds. Any exchange of funds for services rendered as part of the Oakland County Adult Mental Health Court will be described in a separate contract.

I. Terms and Conditions

All terms and conditions of the Agreement are subject to the continuation of Mental Health Treatment Court funding.

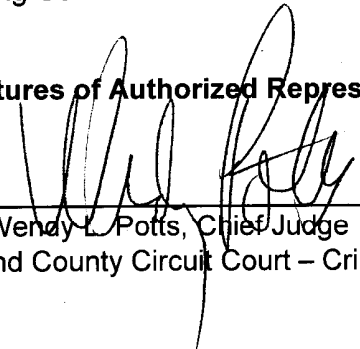
J. Termination of Memorandum of Understanding

Upon mutual consent of all parties, this Memorandum of Understanding is subject to further negotiation and revision as required to support the needs of the Mental Health Treatment Court program. Any changes shall be in writing and signed by all parties herein or their duly appointed representatives authorized to act on their behalf. This Memorandum of Understanding may be terminated by any party for any reason by giving a 30 calendar day written notice.

K. Review of the Memorandum of Understanding

This Memorandum of Understanding will be reviewed on a yearly basis by the Oakland County Circuit Court - Adult Mental Health Treatment Court (project no. SCAO-2009-083) Planning Committee and revised as necessary upon mutual agreement of all parties.

Signatures of Authorized Representatives:



Hon. Wendy L. Potts, Chief Judge
Oakland County Circuit Court – Criminal Division

3-9-09
Date

(Signatures of Authorized Representatives, cont.)

Colleen A. O'Brien

Hon. Colleen A. O'Brien, MHC Judge
Oakland County Adult Mental Health Court Judge

2/27/09

Date

Joan E. Young
Hon. Joan E. Young, MHC Judge
Oakland County Adult Mental Health Court Judge

2/25/09

Date

Jarvis D. Gorch, Deputy Director
Name and Title
Oakland County Community Mental Health Authority

3/12/09

Date

Dina H. Moore
Name and Title DINA H. MOORE, REGIONAL ADMINISTRATOR
Michigan Department of Corrections

6/10/09

Date

Name and Title
Oakland County Prosecutor's Office

Date

Ann Russell, Corrections Adm
Name and Title
Oakland County Sheriff's Department

5/13/09

Date

Keith J. Joly, Manager
Name and Title
Oakland County Office of Substance Abuse Services

8-14-09

Date

John Holmes
Name and Title JOHN HOLMES - DEFENSE ADVISOR
Defense Counsel Representation

4-24-09

Date

Alexander Ruchagas, IA LLC
Name and Title
Mental Health Court Liaison

7/27/2009

Date

Barbara M. Henney, Manager
Name and Title
Oakland County Community Corrections

4-24-09

Date