

NORTHAMPTON COUNTY COURT OF COMMON PLEAS



MENTAL HEALTH COURT POLICY AND PROCEDURES MANUAL

Mission Statement

It is the mission of the Northampton County Mental Health Court to work in partnership with mental health providers to ensure the provision of mental health treatment and support to non-violent participants whose criminal acts are primarily motivated by mental illness. The goal of the program is to address the specialized needs of these participants, thereby promoting community safety while lowering the population of the Northampton County Prison, and reducing recidivism by helping mentally ill participants develop and maintain the resources necessary for them to achieve stable mental health and maintain a productive role in society.

Program Description

The Northampton County Mental Health Court is available to participants on two separate tracks. Track One is for participants facing new charges. Upon admission by the approval of the District Attorney, and the Mental Health Court Team, the pending charges are held in abeyance. If a participant successfully completes the program, the charges are not prosecuted, but no expungement occurs, meaning that the fact that participant was charged will remain on their record.

Track Two of the Northampton County Mental Health Court is a post-conviction court available to probation and parole violators. Upon admission by the approval of the Mental Health Court Team, the violation is held in abeyance. If a participant successfully completes the program, the violation hearing is not held.

Participation in these program is voluntary, and participants may be unsuccessfully terminated from either track for non-compliance at the discretion of the Mental Health Court Judge. If a participant is unsuccessfully discharged, their charges or violation will be relisted for disposition.

General Definitions

Eligible Offense: All offenses not listed under “Disqualifying Offenses.”

Qualifying Mental Health Diagnosis: Diagnosis of a mental health condition as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-V), excepting eating disorders (absent additional mental health diagnoses), by a licensed practitioner.

Qualifying Limited Prior Record: A prior record which, as determined by the District Attorney, indicates that the applicant is appropriate for community supervision and dismissal of charges upon successful completion from the program.

Review Hearing: Court appearance by participant before the Mental Health Court Judge, attended by members of the Mental Health Court Team, during which the participant’s progress is reviewed, changes and recommendations may be made to the participant’s Court requirements, and the Judge may issue incentives or sanctions.

Mental Health Court Team Roles

Mental Health Court Judge: The Mental Health Court Judge is a member of the Mental Health Court Team. The Judge presides over all Review Hearings; monitors progress of participants; applies incentives and sanctions; enforces the program rules; protects the legal rights of participants as appropriate to the role of a judge; ensures the Court's compliance with applicable laws and regulations. All references to "the Court" and "the Mental Health Court" made herein are synonymous with "the Mental Health Court Judge." The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. The judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.

District Attorney: The District Attorney and/or their designee ("the Prosecutor") is a member of the Mental Health Court Team. The Prosecutor reviews all Mental Health Court applications involving pending charges, and makes an initial determination of eligibility. The Prosecutor shall attend and participate in team meetings and Review Hearings, and may make recommendations to the Court with regard to program progress, incentives, or sanctions. The Prosecutor shall advise the Mental Health Court Team of any new criminal charges against a participant and in such cases, may make a recommendation to the Court as to the appropriateness of the participant's continuation in the program.

Public Defender: The Public Defender ("Defense Attorney") is a member of the Mental Health Court Team. The Team's Defense Attorney shall represent and advise participants in all court proceedings, with a focus on protecting the participant's constitutional and civil rights. The Defense Attorney shall counsel and encourage the individual with regard to program compliance, and may make recommendations to the Court with regard to program progress, incentives, or sanctions. The Defense Attorney shall attend team meetings and Review Hearings, and may make recommendations to the Court with regard to program progress, incentives, or sanctions.

The Mental Health Case Manager Supervisor: The Mental Health Case Manager Supervisor is a member of the Mental Health Court Team. The Mental Health Case Manager Supervisor oversees and assists as necessary the Mental Health Court Case Manager(s) with respect to their duties, inclusive of serving as a liaison between service providers and the Mental Health Court Team, ensuring the timely assessment of all applicants and the establishment of a service plan for all participants, inclusive of all appropriate service referrals, and monitoring of participant progress with services and all aspects of the service plan. The Mental Health Case Manager Supervisor shall attend and participate in team meetings and Review Hearings, and may make recommendations to the Court with regard to program progress, incentives, or sanctions.

Northampton County Mental Health Case Manager: The Mental Health Case Manager is a member of the Mental Health Court Team. The Mental Health Case Manager will develop, coordinate and monitor service plans for each individual participant. The Mental Health Case Manager will track treatment compliance, and provide summaries of progress to the Mental Health Court Team no less than one day prior to Review Hearings. The Mental Health Case Manager shall attend and participate in team meetings and Review Hearings, and may make recommendations to the Court with regard to program progress, incentives, or sanctions.

Northampton County Probation Department: Specialized Probation Officers (“SPOs”) are members of the Mental Health Court Team. SPOs shall work in concert with the Mental Health Case Manager to supervise and monitor each program participant. Supervision shall include field and office visits to monitor program compliance. SPOs shall attend and participate in team meetings and Review Hearings, and may make recommendations to the Court with regard to program progress, incentives, or sanctions.

Northampton County Pretrial Department: A member of the Northampton County Pretrial Department is a member of the Mental Health Court Team. As available, the Pretrial Officer will provide information as to an applicant’s pretrial supervision history and amenability to community supervision, and other information as may be requested by the Court. The Pretrial Officer shall attend and participate in team meetings and Review Hearings, and may make recommendations to the Court with regard to program progress, incentives, or sanctions.

Northampton County Prison Liaison: A representative of the Northampton County Prison is a member of the Mental Health Court Team. The Liaison will provide information as to an applicant’s or participants needs or issues during periods of incarceration, and will facilitate transports, to Court or to service providers, as may be applicable. The Liaison may attend and participate in team meetings and Review Hearings, and may make recommendations to the Court with regard to program progress, incentives, or sanctions.

Northampton County Developmental Programs Department: A representative of the Northampton County Prison is a member of the Mental Health Court Team. The Developmental Programs representative is involved when applicants or participants present with developmental needs, and will provide information and resources regarding the same. The Developmental Programs representative may attend and participate in team meetings and Review Hearings as requested, and may make recommendations to the Court with regard to program progress, incentives, or sanctions.

Program Coordinator: The Program Coordinator is a member of the Mental Health Court Team. The Program Coordinator will perform all administrative duties not directly associated with another team member’s role, and will serve as a liaison to the AOPC. The Program Coordinator she shall document applications to and enrollment in the program, manage the Review Hearing docket, conduct all necessary statistical analysis, coordinate grant solicitations, and coordinate meetings, trainings, and ceremonies. The Program Coordinator shall attend and participate in team meetings and Review Hearings, and may make recommendations to the Court with regard to program progress, incentives, or sanctions, with particular attention to national best practices and treatment court trends and practices.

Eligibility Requirements

- That the applicant is an adult (18 years or older) resident of Northampton County;
- That the applicant has a qualifying mental health diagnosis;
- That the applicant has been charged with an eligible offense(s);
- That the applicant has a qualifying limited prior record;
- That the applicant is seeking entry into the program knowingly and voluntarily;
- That the applicant is amenable to recommended treatment and services.

Disqualifying Offenses

Participants whose current charges or prior record includes the following will not be eligible for enrollment:

- Murder or Manslaughter
- Felony sex offenses
- Unresolved out-of-county charges
- Violent offenses committed with a firearm
- Other charges deemed by the Court to present an unreasonable risk to society

Referral Process:

Applicants will be considered upon receipt of a completed application. Individuals may self-refer, or be counseled to apply to the program by another, including but not limited to: defense counsel, pretrial services, the District Attorney's Office, Magisterial District Judges, the individual's mental health caseworker, probation officer, friend, or family member. Applications shall be available on the county website at <https://www.nccpa.org/forms/criminal>. Applications may also be obtained by contacting the Program Coordinator, at Northampton County Prison, the Offices of the District Attorney and the Public Defender, and Northampton County Adult Probation.

Application Process:

- Defense counsel/defendant must obtain and complete a referral packet, available from those Northampton County Offices noted under "Referral Process." The referral packet includes:
 - **Application:** 3-page application to be completed, signed and dated.
 - **Mental Health Court Rules and Waiver of Rights:** 2-page document to be read, signed and dated, indicating the voluntariness of the applicant's intended admission to the program and agreement to adhere to program rules and requirements.
 - **Medical/Mental Health Professional's Certification of Mental Health Diagnosis and Decision-Making Assessment:** Completed by medical/mental health professional.
 - **Applicant Release & Authorization:** permitting the Northampton County Mental Health Court to obtain relevant medical information from the certifying physician for purposes of determining program eligibility and suitability.
- The applicant shall also provide:
 - **Recent Assessments and Current Mental Health Records:** The applicant shall obtain a copy of any recent evaluations and mental health records from any evaluating or treating physician, if available, and include the same with the application packet.

Note: Every component of the application packet must be fully completed before consideration.
Incomplete applications will be returned.

Review Process (Diversion):

- Applications shall be submitted to Administrative Judge Jennifer R. Sletvold, either by hand-delivery to Court Administration, or electronically to Judicial Secretary Sandra Pascoe at spascoe@norcopa.gov.
- If seeking diversion on new charges, the District Attorney shall determine eligibility for diversion. If the application is for diversion on a probation or parole violation it shall be forwarded to the Program Coordinator for distribution to the Mental Health Court Team.
- Upon review of diversion on new charges, the District Attorney shall advise the Program Coordinator and counsel of the decision in writing. If an application is approved for diversion, the Program Coordinator shall distribute it to the Mental Health Court Team.
- The Court may order any evaluations deemed necessary to ascertaining an applicant's clinical needs.
- The Northampton County Probation Department shall conduct a criminal screening (ORAS) to assess criminal risk and need.
- The Northampton County Mental Health Department shall conduct an interview of the applicant and prepare a written evaluation.
- Upon completion of the written evaluation, the Mental Health Court Team shall review such evaluation, together with the application packet, and information regarding the individual's criminal and supervisory history, and the Court shall determine the applicant's eligibility for the program.
- If the application is denied, a Court Order shall be entered and distributed.
- If the application is accepted, the Coordinator will notify legal counsel and individual will be scheduled to appear before the Court for admission, and upon admission, a Court Order shall be entered and distributed.

Program Orientation: Upon acceptance into the program, the participant will attend orientation conducted by the SPO and the participant's Mental Health Case Manager, or their designee. During the orientation, all new program participants shall be familiarized with the requirements and the policies of the program, and they shall have the opportunity to ask questions about the program. At that time, the participant shall receive a copy of the Northampton County Mental Health Court Participant Handbook.

Program Requirements

- Abide by the rules of the program
- Meet with SPO as directed
- Meet with Mental Health Case Manager as directed
- Comply with all aspects of the Service Plan
- Comply with all aspects of supervision
- Attend all Review Hearings as directed
- Attend all appointments with treatment and service providers
- Take all medications as prescribed
- Obtain and maintain stable housing
- Achieve and maintain stable financial management
- Remain drug/alcohol free as may be directed
- Remain free from new arrests and/or criminal charges

Treatment and Participation:

- The participant shall be responsible for engagement and compliance with all required treatment, and with all other directives of the Mental Health Court Team.
- A participant may opt out of Mental Health Court at any time, and their violation will be returned to criminal court for prosecution.

Program Phases:

- The program shall consist of three (3) phases. While it is generally designed to last (9) to twelve (12) months, the length of the program is based upon individual needs and progress, and may last significantly longer if dictated by individual needs and progress. The length of phases and an individual's movement through the phases will be at the discretion of the Court. Individual service plans may impose phase advancement criteria not designated below.

Phase One:

- Attend bi-weekly Reinforcement Hearings
- Assist in developing your Service Plan
- Comply with all aspects of your Service Plan
- Meet with SPO and Mental Health Case Manager as directed
- Attend all appointments with treatment providers
- Take all medications as prescribed
- Comply with all directives of the Court and your SPO

Phase Two:

- Attend bi-weekly Reinforcement Hearings
- Assist in maintaining your Service Plan
- Comply with all aspects of your Service Plan
- Meet with SPO and Mental Health Case Manager as directed
- attend all appointments with treatment providers
- Take all medications as prescribed
- Comply with all directives of the Court and your SPO
- Obtain or maintain stable housing
- Seek or maintain employment, community service, or other daily activities

Phase Three:

- Attend monthly Reinforcement Hearings
- Assist in maintaining your Service Plan
- Comply with all aspects of your Service Plan
- Meet with SPO and Mental Health Case Manager as directed
- Attend all appointments with treatment providers
- Take all medications as prescribed
- Comply with all directives of the Court and your SPO
- Maintain stable housing
- Maintain employment, community service, or other daily activities
- Working with case manager and other resources as appropriate, formulate sustainability plan and present it to the court (see below)

Sustainability Plan

- In Phase Three, each participant shall develop a Sustainability Plan tailored to their individual strengths and needs, which shall address their plans for:
 - Maintaining continued mental health stability
 - Maintaining employment, social, and recreational supports
 - Experiencing continued growth and positive lifestyle choices
 - Being productive within the community
 - Avoiding further criminal law violations

Service Plan Protocol:

- Service plans will be developed by the Mental Health Case Manager and the participant, and shall be monitored by the Mental Health Court Team.
- Service plans shall take into account the participant's baseline functionality, individual capabilities and interests, and their holistic (physical, mental, and spiritual) needs.
 - Service plans shall include all services for which the participant is enrolled or referred upon admission to, and at any time during the program, including but not limited to:
 - Psychiatry
 - Individual therapy
 - Group therapy
 - Intensive outpatient programming
 - Residential placement
 - Medical treatment
 - Substance abuse treatment
 - Intensive case management
 - Peer support
 - Employment support
 - Job search assistance
 - Mobile nursing

 - Social rehabilitation
 - Community service
 - Housing assistance
 - Financial assistance

- Case management

Supervision Protocol and Judicial Monitoring:

- Participant progress shall be monitored by the Mental Health Case Manager and the SPO by contact with the participant and treatment and service providers.
- The Mental Health Case Manager shall provide a written summary of the participant's status to the team the day prior to any Team Meeting.
- Team members consistently attend pre-court staff meetings ("Team Meetings") to review participant progress, determine appropriate actions to improve outcomes, and prepare for status hearings in court. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case.
- At Team Meetings, typically held on Thursdays in advance of Review Hearings, the Mental Health Court Team shall review all available information regarding each participants' progress, and shall consider the need for changes to the Service Plan. During this time, the team shall make, and the Court shall consider any recommendations for incentives, sanctions, or phase advancement. Team members contribute relevant insights, observations, and recommendations based on their professional knowledge, training, and experience. The judge considers the perspectives of all team members before making decisions that affect participants' welfare.
- Review Hearings will typically be held every other Thursday at 11:00 a.m. in Courtroom #6 of the Northampton County Courthouse. From time to time, this schedule may vary, and participants will be provided as much advance notice as possible.
- Review Hearings shall be attended by all available members of the Mental Health Court Team, as previously identified herein.
- During the Review Hearing, the Mental Health Court Judge will engage in a discussion with each participant to obtain information from the individual regarding their progress in the program, individual accomplishments or non-compliance, and any outstanding issues or problems the individual may have. Upon receipt of this information, the Mental Court Judge shall issue incentives or sanctions as deemed appropriate.
- At the end of every Review Hearing, the participant will be provided with documentation stating their next hearing date summarizing Court-related duties and appointments to be accomplished before their next scheduled Review Hearing.

Unsuccessful Termination Criteria:

Enrollment and participation in the Mental Health Court is voluntary, and it is an opportunity for participants to lead more productive and stable lives through engagement in treatment, supports, and services; however, not all participants who enter the program are able to successfully complete it. Participants who fail to progress through the program can be scheduled for a termination hearing at the discretion of the Court. The following are examples of circumstances that may lead to a termination hearing and involuntary discharge from the program. This list is just for purposes of illustration and does not list every possible circumstance that may lead to a termination hearing and/or termination:

- A demonstrated unwillingness to engage in treatment or comply with program requirements
- Continued criminal activity while in the program
- Acts of violence while in the program, including threats of violence

Incentives, Sanctions and Therapeutic Responses

THE FOLLOWING LIST OF THERAPEUTIC RESPONSES, INCENTIVES, AND SANCTIONS IS NOT A COMPLETE LIST AND IS ONLY INTENDED TO SERVE AS AN ILLUSTRATION OF THE RANGE OF RESPONSES THE COURT MAY HAVE TO AN INDIVIDUAL'S CHALLENGES AND SUCCESSES. THERAPEUTIC RESPONSES, INCENTIVES, AND SANCTIONS ARE TAILORED TO EACH INDIVIDUAL AS THE JUDGE DEEMS NECESSARY AND APPROPRIATE.

Therapeutic responses:

- Clinical assessment or reassessment
- Increased meetings with SPO
- Increased meetings with Case Manager
- Increased self-help meetings
- Increased meetings with other supports
- Increased treatment participation
- Change in treatment and/or services

Incentives:

- Positive verbal feedback
- Applause
- A handshake from the Judge
- Decrease in required court appearances
- Decreased supervision
- Gift cards
- Candy bars, key chains, etc.
- Permission to travel
- Phase advancement certificates

Sanctions:

- Reprimand from the Judge
- Community service
- Jury box, last in review session
- Increased UDS testing, if applicable
- Curfew
- GPS monitoring
- Short-term incarceration
- Removal from program

Incentives, sanctions, and therapeutic responses are as individualized as possible, and sanctions in particular are progressive. Because these responses are individualized to the person, there is no matrix in use.

Applicable Policies

Policy on Competency: Before an applicant may be considered for enrollment in Mental Health Court, the participant’s physician must certify that the person is competent to give their valid consent to entry and participation in the program. The purpose of this policy is to ensure the protection of each participant’s rights and to further ensure that all participants in the Mental Health Program are making a knowing and voluntary commitment to program participation and treatment.

Policy on Confidentiality: Health and legal information should be shared in a way that protects potential participants’ right to confidentiality as mental health consumers, and their constitutional rights as defendants. Each applicant must authorize the disclosure of information to the Court and its agents regarding their diagnosis, nature and scope of treatment, compliance with treatment, and quality of participation. However, it is the duty of the Court to safeguard this information in accordance with all state and federal laws regarding confidentiality. Disclosure of information received in the course of a participant’s enrollment in the program is strictly prohibited unless a Court Order is issued upon “good cause.”

Policy on Restitution: A key component of the Mental Health Court is to assist participants in achieving stable mental health, personal responsibility, and personal reliance. In keeping with these goals, all participants in the program are required to pay all restitution due and owing to crime victims before graduating from the program, or to have made payments and be on a payment plan.

Policy on Reconsideration: The Northampton County Mental Health Court will consider all referrals on a case-by-case basis, taking into consideration all relevant factors, including but not limited to: the individual’s mental health history; the nature of the underlying offense and/or violation; the individual’s prior record; indicators as to the likelihood of the individual’s success in the program; and any other relevant information. If an individual considered for the program is not accepted, they may make a written request for reconsideration of the denial. The reconsideration request must comport with the timing requirements of Pa.R.Crim.P. 720, and must set forth supportive reasoning for reconsideration, such as mitigating circumstances pertaining to the crime or the individual that were not available upon initial consideration, or any other relevant information. Nunc pro tunc requests for reconsideration will be considered on a case-by-case basis. The Court’s ruling on any request for reconsideration will be final.

Policy on Readmission – Unsuccessful Discharge: If a participant is unsuccessfully discharged from

the program, they may submit a request for reconsideration of that decision. The reconsideration request must comport with the timing requirements of Pa.R.Crim.P. 720, and must set forth supportive reasoning for reconsideration, such as mitigating circumstances pertaining to the crime or the individual that were not available upon initial consideration, or any other relevant information. Nunc pro tunc requests for reconsideration will be considered on a case-by-case basis. The Court's ruling on any request will be final.

Policy on Readmission Following Successful Completion: Given that the Northampton County Mental Health Court is a diversionary program, those who have successfully completed the program will generally not be permitted an opportunity to participate in the program again on new charges or violations. However, applicants who believe there are compelling reasons supporting a subsequent application may apply, and should present those reasons to the Mental Health Court Team either by documentation or personal appearance before the Team.

Non-Discrimination Policy: The Mental Health Court program does not discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, disability, or age in determining program eligibility, program planning, access to program services, or for any other purpose. Nor does it discriminate against anyone who complains about discrimination.

Participation: Mental Health Court participation is voluntary. If, during the program, a participant decides to dis-enroll, you may do so. However, the failure to successfully complete the program is a violation, and a participant who dis-enrolls does so subject to the full sentencing authority of the Court with respect to violations and any pending charges.

Violations and Removal: Even though participation is voluntary, a participant may be involuntarily removed from the program if they fail to progress through the phases and requirements of Mental Health Court. Participants facing removal will be scheduled for a Due Process Hearing, advised of the same, and given an opportunity to show why they should not be removed from the program at said hearing. The Mental Health Court Judge's ruling at said hearing will be final.

Policy on Potentially Addictive Medications and Medical Marijuana: The use of potentially addictive substances is closely scrutinized and to be avoided as clinically recommended. In order to encourage the thoughtful and responsible use of potentially addictive substances, inclusive of medications and medical marijuana, the Court has a multi-step procedure for the approval of such medications for use by program participants, which is strictly enforced. The participant shall also be subject to verification procedures, typically conducted by their SPO, but which may be conducted by any member of the Mental Health Court Team. As directed, participants must fill all of their prescription medications at one pharmacy and provide a quarterly printout from that pharmacy.

Participants must obtain their medical marijuana from one dispensary. The participant must provide a quarterly printout documenting medical marijuana purchases from that dispensary. Participants must consume and store medical marijuana in a manner provided by statute. Participants should expect compliance checks in accordance with this policy.

Urinalysis Policy: Program participants may be subject to random urinalysis as deemed necessary and appropriate attendant with their individual diagnoses. The Mental Health Court may also use SCRAM, PBT, sweat patches, oral swabs or any other approved method. The Mental Health Court has the discretion to direct the frequency and timing of all drug tests and to subject participants to immediate drug testing at any time. Participants required to participate in urinalysis will be required to read, review and sign rules relating to urinalysis respect to the same. Unless covered by grant funding, participants are responsible for the costs of their drug

testing. Participants required to participate in urinalysis shall contact Averhealth every day after 9:00 p.m. to determine if they are required to report for testing the following day. Unless directed otherwise, participants may report to Averhealth in Easton or Allentown and are expected to report to the site closest to their location. All samples are tested for dilution, specific gravity, and creatinine levels to detect tampering. If a participant tests positive on an initial test, the participant is immediately made aware of the results. The participant may admit use or contest their results by requesting a confirmation test. Participants who request confirmation will be responsible for all costs of retesting. Failure to appear for testing, failure to provide a sample, and submission of a dilute sample or a tampered sample are all considered positive test results.