

**THE COLLABORATIVE PROCESS:
POST-ARREST**

Words to Deeds VII

Sacramento, California
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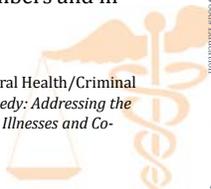


Jennifer Johnson, J.D.
Behavioral Health Court

AN AMERICAN TRAGEDY

Our Nation is once again in the midst of another shameful and costly mental health crisis that has been allowed to fester and grow, largely out of public sight. It is a secret of stunning proportions; in numbers and in harm.

The National Leadership Forum on Behavioral Health/Criminal Justice Services in *Ending an American Tragedy: Addressing the Needs of Justice-Involved People with Mental Illnesses and Co-Occurring Disorders*, September 2009



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DEVELOPMENT OF COLLABORATIVE COURTS

- Core principles of problem solving courts
 - High level of judicial monitoring
 - Intense level of supervision by treatment team
 - Individualized treatment plans
 - Non adversarial court setting
- Successful programs need
 - Partnership, collaboration, accountability
 - Trust between players in an adversarial system
 - Community backing and support



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HOW DID BEHAVIORAL HEALTH COURT START?

- A giant problem in the community
- A giant problem in the criminal courts
- A lack of coordination between criminal justice and mental health
- A frustrated but courageous judge
- A mistrusting and disagreeable set of stakeholders
- No federal state or local funding
- AND... passion for change



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GOALS OF BEHAVIORAL HEALTH COURT

- To connect criminal defendants with serious mental illness to community based mental health treatment
- Resolve the criminal charges in a way that considers the mental illness, the seriousness of the offense and the impact on the victim
- Ensure public safety and reduce recidivism and violence on re-arrest through appropriate treatment and intensive supervision



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WHO DO WE SERVE?

- More than 140 active clients
- 84% charged with felonies
- 16% charged with misdemeanors
- 72% male, 24% female, 4% transgender
- 34% African American
- 35% White
- 11% Hispanic
- 13% Asian
- On average 80% are diagnosed with a psychotic disorder
- More than 74% have a co-occurring substance abuse disorder
- Most are homeless or marginally housed at the start



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POST ARREST INTERVENTION

- Disadvantages
 - Early intervention should start long before an arrest
 - When untreated mental illness leads to arrest, the situation has been going on for a significant period of time
 - The later the intervention, the harder it is to reverse the damage
- Advantages
 - Once a person is in the system, we have leverage
 - Time spent in jail allows clients to clear from substances and stabilize on medication
 - The judge is a powerful tool in helping shape behavior
 - We can build restorative justice elements into a treatment plan

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QUESTIONS WE SHOULD BE ASKING POST ARREST

- Is the behavior that led to the arrest connected to untreated mental illness?
- Is this a case where state prison is warranted?
- Is the mental illness a compelling reason for an alternative to incarceration?
- Is the client a danger to the community if untreated?
- How closely can we realistically supervise this person?
- Do we have a means of putting this person in the hospital or jail if they become a danger?
- Is the victim in agreement with the legal disposition?
- What is the tangible legal benefit for the client if they succeed?

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TEAM MEMBERS AS ALLIES

- District Attorney
 - Looking beyond securing a criminal conviction
 - Focus on family reunification
- Public Defender
 - Looking at long term liberty interest of client
 - Focus on public safety outcomes
- Adult Probation Department
 - Interested in addressing non-compliance short of incarceration
 - Use resources to ensure successful completion of probation
- Law Enforcement
 - Coordination with police psychiatric liaison to ensure safe service of warrants and transfer to hospital
 - Coordination with district stations to address individual clients and problematic situations

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TREATMENT AS AN EQUAL PARTNER

- Jail Psychiatric Services
 - Assess clients in the jail and “gatekeeper” for participation in the treatment court
 - Provide in custody treatment services that mirror what clients will have in the community
 - Deliver clients directly from jail to treatment
- Citywide Case Management
 - Work with clients in custody to create treatment plans
 - Involve clients in the planning process
 - Work with the limitations of the criminal justice system to provide evidence based treatment
 - Expect a long term relationships with the clients that we serve

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THE JUDGE AS THE VOICE OF THE TEAM

- The BHC judge prioritizes clinical treatment recommendations (and ignores the lawyers)
- The judge interacts with clients directly and allows for an open discussion of treatment obstacles
- The judge acts as a proxy for the therapist to reinforce positive behavior and to impose sanctions for negative behavior
- The judge creates a courtroom atmosphere that is predictable and safe with clear expectations and boundaries
- The judge appreciates that change is slow, incremental and not necessarily linear

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WHY VIOLENCE?

- A public safety program must accept clients who have actually put the community at risk
- For low level, non violent crimes, the legal consequences are minimal and are far outweighed by the demands of a treatment court
- Much of the violence in the criminal justice system occurs within families and families do not want to prosecute loved ones
- The treatment court can respond rapidly if and when a person decompensates
- A treatment court can weave restorative justice and victim restitution into a treatment plan

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WHY VIOLENCE? BECAUSE TREATMENT WORKS

"...San Francisco's court served the highest proportion of participants with schizophrenia and the greatest percentage who committed crimes against people rather than property. Yet San Francisco's program showed the greatest drop among the four courts in re-arrests compared to control groups, a 39% reduction compared to a 7% drop."

Los Angeles Times, October 25, 2010

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PROMOTING PUBLIC SAFETY

- Comprehensive eligibility assessment includes
 - Nature of the offense
 - Effect on victim or victims
 - Circumstances of the incident
 - Defendant's mental health diagnosis/history
 - Defendant's acknowledgement of responsibility for actions and health
- Court supervision helps increased compliance with treatment
- Intensive case management provides more supervision than parole or probation alone
- Frequent court appearances ensure accountability

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OUTCOMES

- Decrease in recidivism by 39% and a decrease in re-arrest for violence of 54% for graduates (*Effectiveness of a Mental Health Court for Reducing Criminal Recidivism and Violence*, American Journal of Psychiatry September 2007, Dale McNiel, Ph.D. and Renee Binder, M.D.)
- In the third year post-BHC entry, savings accrued from both criminal justice and mental health outcomes for an annual savings of more than \$2.7 million (Findings from *Examining Program Costs and Outcomes of San Francisco's Behavioral Health Court*, Arley Lindberg, May 2009)
- MacArthur multi site study results support the findings of SF study (*The Effect of Mental Health Courts on Arrest and Jail Days*, Archives of General Psychiatry, October 2010, Henry Steadman, Ph.D. et al.)

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I have been free from psych wards as well as my thoughts of suicide. I am now proudly 5 years and 8 months sober. I bring recovery meetings to 6 different institutions and volunteer doing childcare for children exposed to drugs. My current job is to take care of myself and my son, and to find balance between my mind, body, and spirit. My criminal record has been expunged and I can finally start the process of becoming a U.S. citizen. I am truly grateful.

Chiyomi Ueyama, 2013

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