Mental Health Courts have been created across the United States largely as a response to the increasing number of defendants with serious mental health illness who are caught up in the criminal justice system. Authoritative research estimates that approximately 800,000 persons with serious mental illness are admitted annually to U.S. jails. When mental health facilities disappeared in the 90’s, law enforcement departments, jails and prisons became de facto service providers to persons with mental illness.

According to a 2006 Justice Department study, more than half of the prisoners in the United States have a mental health disorder. Among female inmates, almost three-quarters have a mental disorder. For the Cuyahoga County Corrections Center (County Jail), with a rated capacity of close to 1800 inmates, it can be estimated that there are approximately 300 offenders with mental illness in the Jail on any given day.

The New York Times reported that nationwide in America, more than three times as many mentally ill people are housed in prisons and jails as in hospitals, according to a 2010 study by the National Sheriffs’ Association and the Treatment Advocacy Center. That same study also found that in 1955, there was one bed in a psychiatric ward for every 300 Americans; now there is one for every 3,000 Americans. Taxpayers spend as much as $300 to $400 per day supporting patients with psychiatric disorders while they are in jail, partly because the mentally ill require medication and extra supervision and care.

Local Response

The local criminal justice system created several specialized responses to address the needs of mentally ill offenders (e.g., Probation’s Pretrial Services Unit and Mental Health Developmental Disabilities (MHDD) Unit, Bond Investigation screening process, mental health pods in the Jail, MHDD Liaisons), but several gaps in service still remained. In response, the Mental Health Developmental Disabilities Court (MHDDC) was established on June 9, 2003. The MHDDC was created through amendments to local rules 30, 30.1 and 33. Recently Rule 30.1 was amended to allow defendants with a previous history on a MHDDC docket or previous MHDD probation supervision automatic eligibility for MHDDC Court. Shortly thereafter, the MHDD Court Docket Coordinator position was created in an effort to further improve the early identification and assignment of MHDD eligible defendants to the Court. Acceptance to the Cuyahoga County Mental Health Developmental Disabilities Court is diagnosis-driven so eligible
defendants come to the system with all offense types and offense levels, the exception being Capital Murder.


Defendants/Offenders on the MHDDC dockets are similar to the overall offender population in distribution of race. However, a higher percentage of female offenders are found on the MHDDC dockets than in the overall offender population. Individuals in the Mental Health Developmental Disabilities Court are often unemployed, indigent and homeless.

The MHDDC is operated with a high level of collaboration among court personnel, criminal justice and community partners. From arrest to disposition and community control, many specialized services have been developed for defendants with mental health issues and/or developmental disabilities.

For law enforcement, the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County (ADAMHS Board) sponsors police Crisis Intervention Team (CIT) training and the Cleveland Police Academy added a mental health component to new officer training curriculum. In addition, Mental Health Liaisons and the Mobile Crisis Unit (Mental Health Services, Inc.) are available to officers when encountering persons with possible MH/DD issues.

The Cuyahoga County Corrections Center (County Jail) has added MHDD screening questions to the booking process. In addition, the ADAMHS Board and Cuyahoga County Board of Developmental Disabilities electronically receives and reviews the daily booking list to identify defendants already linked with a community behavioral health provider. An Intake Specialist tracks and refers defendants identified with MHDD issues at booking either to their existing community provider or to jail psychiatric services for MHDD Court eligibility determination and necessary jail psychiatrist care. The ADAMHS Board and the Court have also provided resources to the Community Based Corrections Facility (CBCF) to provide psychiatric services, medication and case management services to the eligible MHDD population sentenced to this facility.

Several years ago, the Jail designated 96 beds for the MHDD population. The Jail contains the 2nd largest “mental health unit” next to Cleveland Clinic in terms of sheer number, according to Dr. Leslie Koblentz, psychiatry supervisor. With the support of the ADAMHS and CCBDD Boards, the jail has incorporated the use of MHDD Jail Liaisons from several community service providers to assist in service to this population. Additionally, the jail also has psychiatric services and conducts behavioral health groups in the jail. The liaisons regularly communicate jail inmate needs and status with Jail Mental Health Services, the Probation Department’s Pretrial and post-disposition supervision units, and the MHDD Court Judges.

The Mental Health Court Docket Coordinator serves as the point person for identification, eligibility determination and placement for Mental Health Court Docket (MHCD) and Mood Disorder Docket (MDD). The goal is to identify eligible defendants before their arraignment. The Mental Health Court Docket Coordinator reviews, on average, 1000 cases per year.

The Pretrial Services Unit in the Adult Probation Department provides Mental Health Developmental Disabilities Court eligibility determination and referral recommendations for the MHDDC. In addition, Pretrial Services provides 2 specially trained MHDD Supervision Officers and coordinates the Outpatient Restoration Program with the Common Pleas Court Psychiatric.
Clinic and the Public Defenders Office. In 2013, 333 defendants were placed on MHDD Pretrial Supervision as a condition of bond.

At Arraignment, eligible defendants are assigned to a Judge with a MHDDC docket and the individual’s record is flagged as a “Mental Health Court” case in the Court Information System. A specially trained MHDDC attorney is assigned at arraignment. A MHDDC attorney can be requested even if eligibility is not yet determined but is expected. Defendants/Offenders identified post-arraignment as eligible for MHDDC may be transferred to a MHDDC docket via request to the Administrative/Presiding Judge, subject to compliance with the Local Rules.

For defendants sentenced to community control, the Adult Probation Department provides a MHDD supervision Unit, which is staffed by 11 specially trained officers and a supervisor. Average caseload size in the MHDD Probation Unit is 85. This unit includes funding for additional services, such as regular staffings with the mental health Judges and regular staffings with community providers - Recovery Resources, Center for Families and Children, Murtis Taylor, Frontline, Connections, and the Cuyahoga County Board of Developmental Disabilities (Board of DD). Probation Department Supervision staff work closely with the County Jail and other community providers (e.g., St. Vincent Charity Hospital – Psychiatric Emergency Room, Veteran’s Administration). In 2013, 611 defendants were assigned to supervision in the MHDD Probation Unit (a 23% increase from 2012)

To indicate the presence of mental health issues, the cases of 3,865 individuals have been flagged since the flag’s inception in July 2005, as “MH” in the Court’s information system allowing for more expedient identification and linkage to services should the individual cycle through the system in the future. (Note: Not all individuals flagged as “MH” are placed or transferred to a MHDDC docket.)

MHDDC Judges carry an average of 150 MH cases on their dockets at any one time (including active, investigation, and supervision cases) representing approximately 30% of their total docket. In 2013, 862 cases were identified as eligible for Mental Health Court docket (a 43% increase from 2012).

**Funding**

In addition to funding from the Cuyahoga County Common Pleas Court, the MHDDC program is supported by local, state and federal funding entities, especially the ADAMHS and CCBDD Boards, both long time partners of the MHDDC Program.

**Highlights**

Through a collaborative three year Federal Grant with Cleveland Municipal Court, our Probation Department was able to create a pilot Mood Disorder Caseload. This caseload serves a limited number of defendants who have been diagnosed with a mood disorder (major depressive or bipolar) without psychotic features, and have a history of a trauma, and/or substance abuse issues. This population has historically not been eligible for the MHDD Court and services. Grant funded services available for these defendants include case management, specialized individual and group counseling and psychiatric treatment. These cases are assigned to Judges José A. Villanuva and Joan Synenberg for consolidation purposes. The grant will allow us to consider future inclusion of this population.
In November of 2013, the Court of Common Pleas hosted one MHDDC Attorney Training. Over 70 attorneys participated in these trainings. MHDDC Judge Joan Synenberg served as a host and presenter at this event.

On July 8th, 2013, the Summit County CBCF began providing services for women with severe mental illnesses as an additional sentencing option for court. This is a six month pilot program. One of the main focuses during this past year has been to improve the acceptance and supportive services in the CBCF for the MHDD population, specifically women. In response to this need, the ADAMHS Board and Cuyahoga County Court of Common Pleas were able to collaborate and provide funding for services such as case management, medication and psychiatric treatment services, and halfway house placements.

Tours of St. Vincent Charity Hospitals psychiatric department and the Cuyahoga County Jail’s Psychiatric Department were organized for the Mental Health Judges, MH probation and MH pretrial staff and jail psychiatric staff in December 2013.

**Next Steps**

The Probation Department, in collaboration with Case Western Reserve University, Recovery Resources, Connections and the Cuyahoga County Board of Developmental Disabilities, Cuyahoga County Court Psychiatric Clinic, are working to establish a Response Level Screening Tool to more appropriately target services and supervision levels for defendant's varying needs.