

MENTAL HEALTH COURT
Cuyahoga County Common Pleas Court

2010 ANNUAL REPORT

The mission of the Mental Health Court is to promote early identification of defendants with severe mental health/developmental disabilities in order to promote coordination and cooperation among law enforcement, jails, community treatment providers, attorneys and the courts for defendants during the legal process and achieve outcomes that both protect society and support the mental health care and disability needs of the defendant.

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.

In the June 2009 issue of *Psychiatric Services*, a study by Henry J. Steadman, Ph.D. and colleagues found that 14.5% of male and 31.0% of female inmates recently admitted to jail had a serious mental illness. 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.

Individuals with severe mental illness spend more time in jail than similarly charged offenders without mental health issues. An informal survey conducted by the Court's Corrections Planning Board in 2002 compared average length of stay for offenders in a specialized unit for severe mental health issues versus those in an intensive supervision program with no severe mental health issues. The study revealed that from arrest to disposition and community control, offenders with mental health issues spend close to twice as much time in jail as the comparison group.

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, MH Liaisons), but several gaps in service still remained. In response, the Mental Health Court (MHC) was established on June 9, 2003. The MHC 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 MHC docket or previous MHDD probation supervision automatic eligibility for MHC Court. Acceptance to the Cuyahoga County Mental Health Court is diagnosis-driven so eligible offenders come to the system with all offense types and offense levels, the exception being Capital Murder.

Five Common Pleas Court Judges had Mental Health Court dockets in 2010: Hon. Timothy E. McMonagle (Chair), Hon. José A. Villanueva, Hon. John D. Sutula, Hon. John P. O'Donnell and Hon. Holly L. Gallagher.

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

The MHC is operated with a high level of collaboration among court personnel and criminal justice and community partners. From arrest to disposition and community control, many specialized services have been developed for offenders 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 MH/DD screening questions to the booking process. In addition, the ADAMHS Board electronically receives and reviews the daily booking list to identify offenders already linked with a community provider. An Intake Specialist tracks and refers offenders identified with MH/DD issues at booking either back to an existing MH or DD provider in the community or to the Jail Psychiatric Clinic which provides psychiatrists, psychiatric nursing and medication.

Several years ago, the Jail designated **96** beds for the MH/DD population and, with the support of the ADAMHS Board, incorporated the use of MH/DD Jail Liaisons from several community service providers to assist in service to this population. These supports regularly communicate jail inmate needs and status with Jail Mental Health Services as well as the Probation Department's Pretrial and post-disposition supervision units.

The Pretrial Services Unit in the Adult Probation Department provides Mental Health Court eligibility determination and referral recommendations for the MHC. In addition, Pretrial Services provides 2 specially trained MHDD Supervision Officers and coordinates the Restoration Outpatient Program (RTC) with the Common Pleas Court Psychiatric Clinic. In 2010, **125** defendants were placed on MHDD Pretrial Supervision as a condition of bond.

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

For offenders sentenced to community control, the Adult Probation Department provides an MHDD Unit, which is staffed by 9 specially trained officers and a supervisor. Average caseload size in the MHDD Probation Unit is 65. This unit includes funding for additional services, and regular staffing with community providers - Recovery Resources, Center for Families and Children, Murtis Taylor, Mental Health Services, Inc., Connections, Bridgeway 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 2010, **404** offenders were assigned to supervision in the MHDD Probation Unit.

To indicate the presence of mental health issues, the cases of **2,038** individuals (with 2,531 cases) have been flagged with "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 tagged as "MH" are placed or transferred to a MHC docket.)

MHC Judges carry an average of 100 MH cases on their dockets at any one time (including active, investigation, and supervision cases) representing approximately 25% of their total docket. In 2010, **387** cases were assigned to a Mental Health Court docket:

77	Hon. Timothy E. McMonagle
70	Hon. Holly L. Gallagher
76	Hon. John P. O'Donnell
72	Hon. John D. Sutula
92	Hon. José A. Villanueva

Funding

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

Highlights

In late 2010, the program welcomed two judges from the CPC bench to the MHC; the Hon. Joan Synenberg and Hon. Michael P. Donnelly replace Judge Timothy E. McMonagle who retired in 2010 and Judge John P. O'Donnell who has completed the two-year rotation as a MHC Judge. Taking over for Judge McMonagle in the role of MHC Chair is the Hon. José A. Villanueva.

Additional funding was obtained in the local Community Corrections prison reduction budget to provide continuing care for MH/DD offenders completing residential treatment. The programming has resulted in a significant decrease in prison commitments at 3-month follow up.

Next Steps

Next steps for the Mental Health Court include promoting increased voluntary transfers from the entire bench to this specialty docket, developing an evaluation component to answer important questions about outcomes, identifying strategies to decrease length of jail stays, implementing evidence-based practices to affect a decrease in recidivism rates, better clinical outcomes and fewer hospitalizations, and possibly hosting a regional National Alliance on Mental Illness (NAMI) training for Jail and Court staff. Expanded recruitment and training of attorneys to represent MHC defendants and continuing and enhanced training for MHC judges will also be pursued in 2011. In addition, in light of plans to close the Cleveland Campus of the Northcoast Behavioral Health Hospital, it has become even more important to advocate for the preservation of funding to support crucial community resources for this population.

*Questions or corrections?
Contact Loretta Ryland, M.A
Research Planner
Corrections Planning Board
cplcr@cuyahogacounty.us*

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