

**WORKSESSION**

**MEMORANDUM**

April 9, 2019

TO: Health and Human Services Committee  
Public Safety Committee

FROM: Linda McMillan, Senior Legislative Analyst *Lalle*  
Susan Farag, Legislative Analyst *SF*

SUBJECT: **Worksession: FY20 Operating Budget**  
**Mental Health Court**

PURPOSE: Update and recommendation on FY20 Budget

***Those expected to attend this worksession:***

The Honorable Patricia Mitchell, Administrative Judge, District Court  
The Honorable Marina Sabett, Associate Judge, District Court  
Vickie Buckland, Acting Director, Department of Health and Human Services (DHHS)  
Dr. Raymond Crowel, Chief, Behavioral Health and Crisis Services (DHHS)  
Erika Finn-Lopez, Office of Management and Budget

**Background**

The County's partnership with the District and Circuit Courts to establish Mental Health Court began in FY17 and in FY18 was expanded to provide for a capacity of 100 participants. Behavioral health case management and services are provided through the Department of Health and Human Services and funded by the County. Most participants are in the District Court's Mental Health Court as most people who are assessed as eligible have committed lower level crimes and offenses. County Government had long-supported the idea of a Mental Health Court as a way to serve people who do not need to be in jail, but rather need to address mental and behavioral health problems that lead to behaviors that end in arrest. And, while the goal is to improve people's lives, it is also more cost effective to provide community-based services than to treat people in the jail setting.

## Update

The following two tables show the funding and positions included in the Executive's Recommended Budget. The Executive recommended budget includes the funding needed to continue the Mental Health Court capacity at 100. In addition to DHHS funding in this table, there is about \$30,000 in funding recommended in the Circuit Court. The District Court is State-funded.

### Mental Health Court

	FY19 Approved	FY20 CE Rec
Salaries and Wages	564,200	569,493
Social Security	36,505	43,154
Group Insurance	74,034	93,051
Retirement	55,008	65,547
<b>TOTAL PERSONNEL COSTS</b>	<b>729,747</b>	<b>771,245</b>
General Office Supplies	4,000	8,000
Metropolitan Area Travel	3,000	3,000
Other Education	1,960	1,960
<b>TOTAL OPERATING EXPENSE</b>	<b>8,960</b>	<b>12,960</b>
<b>TOTAL</b>	<b>738,707</b>	<b>784,205</b>
FTE (Workforce)	7.00	7.00
<b>TOTAL FTE</b>	<b>7.00</b>	<b>7.00</b>

There is currently one vacant position in the DHHS complement for the Court. It was vacated in late January and pending recruitment. Last spring, new positions to increase the capacity from 50 to 100 had only recently been approved. Therapist positions are currently all filled.

Pos No	Job Class	FT/P T	FTE
POS018550	BEHAV HEALTH ASSOC CNSLR - Vacant 1/25/19 Pending Recruitment	FT	1.0
POS018551	BEHAV HEALTH ASSOC CNSLR	FT	1.0
POS018245	SUPERVISORY THERAPIST	FT	1.0
POS018547	THERAPIST II	FT	1.0
POS018548	THERAPIST II	FT	1.0
POS005174	THERAPIST II	FT	1.0
POS018246	THERAPIST II	FT	1.0
		<b>Total</b>	<b>7.0</b>

## Updated Outcome Information

The following table provides information on the number of participants, completions, etc. and shows the change from last June. While there is not an absolute time that someone must be in the Mental Health Court to successfully graduate, the Joint Committee has previously been told the District Court expected participants to be in the program about 18 months and the Circuit Court about 3 years. There is a District Court graduation the afternoon of this session.

	As of 9/14/17	As of 4/11/18	As of 6/30/18	As of 4/5/19
Number assessed for participation in District and Circuit Mental Health Court	67	72	72	56
Participants in District Court MHC	44	41	55	62
Participants in Circuit Court MHC	10	9	11	15
People on Wait List District Court	11	31	31	45
People on Wait List Circuit Court	3	4	4	5
Successful Completions District Court MHC	NA	2	12	10
Successful Completions Circuit Court MHC	NA	1	1	0
Unsuccessful Completions District Court MHC	0	5	6	4
Unsuccessful Completions Circuit Court MHC	0	1	1	0
Voluntary Withdrawal District Court MHC	7	10	7	2
Voluntary Withdrawal Circuit Court MHC	0	0	1	0
New Admissions District Court		2	16	29
New Admissions Circuit Court		1	4	5

## Discussion Issues

The Joint Committee will have an opportunity to hear from Judge Mitchell and Judge Sabett with their observations about the successes and challenges with the operation of the District Court Mental Health Court in addition to hearing from Dr. Crowel regarding the work of DHHS. Council staff provided the following discussion questions for this session.

- Is there a consistent wait list for the District Court at a level that an additional Therapist position should be considered? (note: The most recent data above shows 62 participants and wait list of 45 in the District Court.)
- When the mental health court work group was discussing the population that would be served, it was expected that participants would be able to access services through Medicaid/the public mental health system. Are there people who have been appropriate for the mental health court but have not been able to participate because they are not in the public mental health care system? If so, how many and what are potential solutions?
- What has DHHS observed are the main reasons that people cannot complete the Mental Health Court program successfully?
- For how many people has an unsuccessful completion resulted in incarceration?

## **Council staff recommendation**

Council staff believes the number of participants and the wait list do show that there are likely more than 100 people who could be appropriate for the Mental Health Court. However, serving more participants not only means adding DHHS staff but also having capacity on District Court dockets.

If, after hearing from Judge Mitchell and Judge Sabett there is an interest in expanding the capacity of the Court, Council staff will work with DHHS on the potential cost. Council staff would recommend that any funding be for the second half of FY20 given the time it takes to hire.

Attached: Overview of Mental Health Court from the Montgomery County Circuit Court website.

# Mental Health Court

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## OVERVIEW OF THE MENTAL HEALTH COURT (MHC) PROGRAM

In early 2016, the Mental Health Court Planning and Implementation Task Force recommended the creation of a Mental Health Problem-Solving Court in both Montgomery County's District and Circuit Courts.

The Task Force recognized the following benefits from establishing an MHC:

1. Strengthens public safety by reducing (1) recidivism among individuals who commit low-level crimes because of a mental illness, and (2) the risk that these individuals' crimes will escalate to much more serious offenses because of a lack of access to medication and critical services.
2. Improves treatment of people with mental illness by moving them away from incarceration into community services, to help stabilize them and enable them to lead productive lives.
3. Increases efficiency of the criminal justice system by addressing the underlying illness behind these crimes and therefore reducing the strain on the police, prosecutors, and courts that occurs when the same individuals are arrested multiple times.
4. Improves return on investment—replacing incarceration costs and social subsidies with potential revenue from taxes related to employing individuals who do not have a criminal record and can work safely in the community.
5. Eliminates need for separate Veterans Treatment Dockets (VTDs)—court-supervised, comprehensive treatment programs for veterans suffering from mental health conditions such as Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury, and/or substance abuse issues.
6. Adds tool to address behavioral health challenges—the new Court represents a post-booking intervention strategy to add to the new approaches to mental illness being proposed across several Montgomery County agencies.


More information can be found in the Report of the Montgomery County Maryland Mental Health Court Planning and Implementation Task Force (PDF), dated January 21, 2016. (Please note: some of the attachments in Appendix A were updated as of November 2017)

Administrative Order dated November 15, 2016 (PDF), waives all court costs and fees upon admission to the program.

## MENTAL HEALTH COURT FORMS:

 [Download the Referral & Pre-Screening Form \(pdf\)](#)

 [Download the Participant Handbook \(pdf\)](#)

 [Download the Mental Health Court Agreement\(pdf\)](#)

Anyone can refer a defendant to the MHC Coordinator, including, but not limited to, judges, prosecutors, defense attorneys, law enforcement, the Department of Correction and Rehabilitation, Parole and Probation, state hospitals, private mental health providers, and family members.

If you would like to have a defendant evaluated for possible entry into the Mental Health Court Program, please contact the Problem Solving Courts Coordinator at ☎ 240-777-9141.

## **ADMISSION, PROGRAM REFERRAL, & GRADUATION REQUIREMENTS**

### **Admission criteria**

### **Program referral and acceptance process**

### **Graduation requirements**

Successful completion of MHC should result in the avoidance of a criminal conviction and/or criminal record for the offense, depending on the court. MHC participants must achieve all the goals of their individualized case treatment plan to successfully complete/graduate from MHC. Goals will vary depending on each defendant's unique plan but may include a combination of:

- Stability
- Compliance with supervision
- Participation in the community
- Employment and/or other means of meeting daily needs
- Engagement in therapy
- Taking medication as prescribed
- Staying drug-free

The program takes a minimum of 18 months to complete.

***Not Seeing What You Are Looking For? Need Some Help?***

