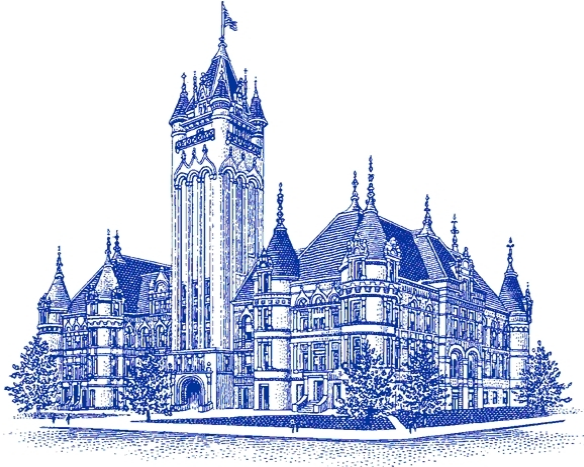


SPOKANE COUNTY SUPERIOR COURT



SPOKANE COUNTY COURT HOUSE

Behavioral Health Adult Felony Therapeutic Mental Health Court

Participant Handbook

WELCOME!

Welcome to the Spokane County Superior Court Behavioral Health Adult Felony Therapeutic Mental Health Court (FMHC)!

The FMHC program was created to give offenders like you—those with mental illness and/or co-occurring disorders—the opportunity to enter treatment and address your mental illness challenges while preventing a felony on your record. If you choose to enter this program, you will have an opportunity to turn your life around, mend your relationships, and return to being a positive member of society.

Instead of jail or prison, you will enter a supervised, structured, treatment-based program designed to help you learn how to manage your mental illness and other problematic areas of your life. This unique opportunity is based on treating the whole person since mental illness affects major life areas. Based on your participation, we may be able to provide assistance with stable chemical-free housing, education, employment, family, child care, transportation, mental health issues, and so forth. We work as a team – you will not be alone in your recovery efforts. There will be other participants addressing their own mental health and other major life challenges to provide encouragement and strength. The treatment team unites the skills of many professionals to help guide and support you.

This program will be hard and require your total commitment, but the time and effort will be well worth it in the end as you regain control over your life.

PLEASE READ THIS BOOKLET VERY CAREFULLY. YOU ARE RESPONSIBLE FOR KNOWING AND UNDERSTANDING ITS CONTENTS.

This handbook is designed to provide you with information regarding the Behavioral Health Adult Felony Therapeutic Mental Health Court (FMHC) program. This handbook does not constitute a contract between you and the FMHC program. These are guidelines so you can be informed about general policies and procedures. The Court reserves the right to change these guidelines and to decide any matter based upon individual facts and circumstances.

(Effective December 1, 2013, updated July 2017)

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I. PROGRAM DESCRIPTION

What is the Felony Mental Health Court program?

The Behavioral Health Adult Felony Therapeutic Mental Health Court (FMHC) program is a branch of the Spokane County Superior Court that addresses mental illness, or co-occurring mental illness and substance use disorders (COD) within a problem-solving court framework. Substance Use Disorder (“SUD”) may include dependence on illegal or prescription drugs or alcohol. The FMHC program is a unique court which provides an alternative to traditional prosecution and an opportunity to have your felony charge dismissed. It handles crimes committed by offenders with mental illness and/or COD.

Instead of experiencing a trial and possible incarceration, you will enter a voluntary, alternative, pre-conviction release program which provides education, treatment, and supervision. This includes regular court reviews, individual or group mental health counseling, medication management, and alcohol/drug treatment and random drug testing for those with COD. The FMHC Judge is highly involved in your case as a team member, closely monitors your compliance with the program and may impose rewards or consequences when necessary. John O’Neill is the designated case manager/clinician for the FMHC program.

How does the FMHC program work?

The FMHC program is designed to address your mental health issues, medication management, SUD (if applicable), social and family problems, stable housing, and your employment or educational needs. You will participate in a variety of outpatient activities, including group and/or individual therapy, and random drug screens and community-based self-help support groups (if you have COD), where appropriate.

FMHC participants remain in the program for a **minimum of 24 months** and have at least **6 months of stability and abstinence** from unapproved substances prior to graduation. There are **5 stages** that must be completed. If you successfully complete these steps, complete all restitution payments and graduate, the felony charge that brought you here is **dismissed** from further prosecution. More importantly, you will gain the necessary tools to rebuild your life. On the other hand, if you consistently do not work toward treatment goals, you may be terminated.

This is a team approach. Everyone wants you to succeed and create a new, healthy, stable and satisfying lifestyle. We believe a critical part of your success is your ability to become involved in community-based support systems during your treatment and afterwards to help you transition into a healthier lifestyle.

Who is the FMHC Team and what do they do?

The FMHC Team is comprised of the judge, prosecuting attorney, public defender, program coordinator, Department of Corrections community corrections officer (CCO), and mental health clinician/case manager/court liaison. The FMHC Team meets immediately before every docket appearance to discuss each participant's progress and treatment recommendations. These staffings are regularly scheduled, informal conferences not held in open court.

Am I Eligible?

You may be eligible for the FMHC program if you meet the following criteria:

- You are charged in Spokane County Superior Court with a felony and you have a diagnosable mental illness, with or without SUD.
- A reasonable connection exists between the alleged illegal conduct and your mental illness.
- You reside in Spokane County.
- You have no unresolved hold from another jurisdiction.
- If your case has restitution, there is a reasonable basis to believe that you can successfully pay off the negotiated amount of restitution for your alleged conduct.
- You are willing to participate in an intensive mental health treatment program to address your mental illness, SUD (if applicable), and related issues.
- There is a reasonable basis to believe you can successfully complete the FMHC program.

The following situations *may* make you **ineligible**:

- You have other pending felony charges which have not been incorporated into your FMHC offense; or
- You are currently receiving any on-going narcotics-based prescribed medications, including medical marijuana (other than within a clinically-supervised methadone or suboxone treatment program) and intend to continue to use such medications.

Note: You are NOT allowed in this program if you have a current or prior violent or sex offense.

What happens after I am arrested?

After you have been arrested, you may be offered the opportunity to explore the FMHC program as an option. You will be able to meet with the FMHC Public Defender and then you will appear before the FMHC Judge in court to discuss your possible participation. If you feel this may be an option for you, you will be released from custody with a mandatory intake scheduled with Mr. O'Neill, who is a Licensed Independent Clinical Social Worker and the FMHC case manager/clinician.

For the next 2-3 weeks, you will participate in all required activities and attend court as scheduled. During this observation period, you are expected to participate **fully** in ALL tasks, including individual (and group, when appropriate) counseling, random drug testing (if you also have SUD), regular court reviews, treatment and community-based support groups. You may also be provided assistance (e.g., bus passes) so that you will be able to participate fully in the FMHC program.

After participating for 2-3 weeks and attending court reviews, you and the team will decide if you are an appropriate candidate for the FMHC program. If you decide to “opt in” to the program, you will begin the five treatment stages. If you decide not to participate, your case will return to traditional prosecution.

What if I have a Substance Use Disorder (SUD), aka chemical dependency/addiction)?

We are in a position to accept appropriate clients who may have both mental health and SUD challenges; however you may be required to attend SUD and mental health treatment at different agencies.

You are expected to **fully** disclose and keep Mr. O’Neill updated about your conditions, SUD history and current challenges, including any changes in providers or medications, so the FMHC Team can assist you with your ongoing recovery. Although we are willing to be flexible and work collaboratively with your SUD providers, there may be some SUD situations that are too severe to allow for participation in the FMHC program.

What happens once I am in the FMHC program?

You will develop Individual Service Plans (ISPs) jointly with Mr. O’Neill. The ISPs are designed to improve your functioning in the critical areas of your life. The FMHC program requires you to have ongoing contact with Mr. O’Neill, individual and/or group therapy, medication management/oversight, court appearances, [random drug

testing and community-based self-help meetings (if you also have SUD)] and, depending on your specific background, ongoing contact with the FMHC CCO.

What happens during treatment?

You will be required to complete a **5-stage** comprehensive program to complete the FMHC program, which will assist you in addressing the goals of your ISPs. Since each ISP is individualized, your program may appear to be different from other participants, depending upon your individual progress and unique needs. You will complete your required tasks and assignments to advance to the next stage. While you are in the FMHC program, you are required to keep the DOC CCO advised of any and all changes in your living (address, phone numbers) and employment (employer, address, hours) situations.

In every stage, you are expected to:

- Appear before the Judge as scheduled.
- Follow the ISP that you developed with Mr. O’Neill.
- Comply with your medications regimen.
- Meet with Mr. O’Neill as required.
- Engage in group counseling, if appropriate.
- Be randomly drug tested (if you also have SUD).
- Attend community-based support groups (if you have SUD).
- Fulfill all other individualized requirements specified by the judge and the FMHC team.

Additional expectations for each stage are described on the next page.

Stage One: Orientation & Engagement in Recovery

- You will create your first ISP with Mr. O'Neill.
- You will meet with FMHC CCO for orientation.

Stage Two: Understand Mental Illness & SUD

- You will have established a clean date.
- You will begin to address long-term financial and housing stability.
- If you also have SUD, you will be expected to find and identify a home group and a sponsor.

Stage Three: Mental Health Wellness Management

- You will continue to maintain your clean date.
- You will continue to address long-term financial and housing stability.
- If you also have SUD, you will meet regularly with your sponsor and attend your home group meetings.
- You will use skills learned in earlier stages, including pro-social behaviors.

Stage Four: Mental Illness Relapse Prevention

- You will maintain your clean date.
- If you also have SUD, you will continue to meet regularly with your sponsor and attend your home group meetings.
- You will address restitution.
- You will maintain safe, appropriate stable housing.
- You will complete a Wellness Management Plan.
- You will use pro-social behaviors and other skills learned in earlier stages.

Stage Five: Transition and Community Integration

- You will maintain your clean date.
- If you also have SUD, you will continue to meet regularly with your sponsor and attend your home group meetings.
- You will complete a Discharge/Aftercare Plan.
- You will pay off your restitution.
- You will use pro-social behaviors and other skills learned in earlier stages.
- You will fulfill all other individualized requirements specified by the judge and the FMHC team.

II. RULES AND RESPONSIBILITIES

Confidentiality

You will be required to sign a Release of Information (ROI) when you first meet with Mr. O'Neill, which allows your confidential information to be shared with the FMHC Team, which includes the Judge, prosecuting attorney, public defender, treatment agency, CCO and FMHC Coordinator, including during staffings at which you will not be present. You will also be required to sign ROIs to share information with Spokane County's Consistent Care Program, Eastern State Hospital, Frontier Behavioral Health, and **all** your community-based service providers (e.g., primary care physician, mental health counselor, etc.).

Confidentiality is essential to maintain the integrity of this program, especially if you participate in any group counseling sessions with other participants. You should never discuss any information shared within the group or in the courtroom.

Court Appearances

Court Attendance

Attendance in court is **ABSOLUTELY** required on the dates you are ordered to appear before the Judge. In the beginning, this may mean weekly hearings in court in which your progress will be discussed. As you advance to higher levels, court appearances may decrease to 2-3 times each month.

You are expected to arrive at court *before* the docket begins. If you are not present in court on the required day and time, a bench warrant may be issued. It is then your responsibility to get the warrant quashed or turn yourself in. If this does not happen, you will be arrested and remain in jail until your next Court appearance.

Courtroom Behavior

You are expected to behave appropriately at all times in the courtroom and courthouse. This includes:

- No talking, eating, drinking, or sleeping in the courtroom.
- No tobacco use or gum chewing in the courthouse.
- Be on time and do not leave during the hearing except to use the restroom.
- All electronic devices will be confiscated if they are not turned off during court.
- Appropriate dress is necessary; shoes and shirts are required and no hats, short shorts, torn clothing, sunglasses or tank-tops should be worn. You are expected to maintain appropriate dress and grooming or you may be asked to leave.

Honesty

Honesty with yourself and with others is a critical step toward wellness. You are expected to be honest about your behaviors, your medication regimens, your substance use, your living situation and your challenges throughout the FMHC program.

Behavior Towards Other FMHC Participants

You are expected to be respectful of other FMHC participants and their work toward a healthier lifestyle. We expect that you will do nothing to interfere or negatively influence other FMHC participants. To protect against this, you are expected to avoid any type of romantic encounters/relationships with either felons or other FMHC participants while you are involved in this program. FMHC participants are expected **not** to interact socially outside of any treatment groups, except in recovery-based support group sponsored activities or approved clean and sober housing. You are also expected to avoid violent, threatening or aggressive behaviors while you are in this program. Violent or inappropriate behavior will not be tolerated and will be reported to the Court. This type of behavior will result in a sanction and may result in termination from the FMHC program.

Medical Needs

Another critical step toward recovery is ensuring consistent medical care to address your health needs. Once you have secured health coverage, you will be expected to identify

ONE medical group or primary care physician (PCP) for yourself, and ONE pharmacy; and to use only that group/PCP and that pharmacy for medical reports or excused absences, whenever possible.

Financial Obligations

FMHC program fees

The FMHC, through Mr. O'Neill, works with all participants to determine what, if any, fees will be imposed. New federal and state laws governing health care require all participants to demonstrate insurance coverage. Mr. O'Neill will work with you to ensure that you have applied for such coverage.

Restitution

If your charge involved a property crime, you will be required to pay the restitution that is owed to the victims of the crime. The amount of restitution will be determined and agreed to before you enter the FMHC program. You may not enter the program if the restitution is more than \$5000, unless you have already paid down the restitution to \$5000. A payment schedule may become part of your ISP, if necessary.

*Note: you will **not** be allowed to graduate until your total restitution is paid.*

III. FREQUENTLY ASKED QUESTIONS

What if I relapse or stop taking my prescribed medications?

The FMHC team understands that both mental illness and SUD are chronic diseases that can be challenging. It is vital that you are honest with yourself and that you tell us if relapse occurs (including inappropriate use of your prescribed medications) or if you stop taking your prescribed medications. This allows us to work with you to address your needs. If this happens while you are participating in the FMHC program, it is a sign that you have more work to do. It does not necessarily mean, however, that you will be terminated from the program.

Why might I need to be drug tested?

You may be required to participate in isolated or ongoing drug testing (i.e., random urine, breath or saliva samples, etc.) to ensure adherence to your medication regimen and abstinence from any other substances. All results are documented and shared with the FMHC team. If you also have SUD, you will need to demonstrate lack of use through negative drug testing results. Any other outcome of a test is NOT considered a verified negative. These outcomes may include: missed tests; being late for a test; failure to produce sample or one of sufficient quantity; attempt to dilute; use of flushing agents; falsify the results by substituting or altering your specimen; or any other attempt to modify your body fluids. Ongoing positive results, tampered samples, attempts to dilute or falsify results will be grounds for sanctions and may be grounds for termination. Two verified negative drug tests are required to establish your clean date.

The following items will likely cause positive drug test results, so it is imperative that, while you are in this program, you do not consume or ingest:

- Poppy seeds in any form (muffins, bagels)
- “Natural” or herbal remedies
- Any medications without prior approval and/or required prescription documentation
- Any over-the-counter diet aids or supplements of any sort
- Any cough or cold medicines

What if I have a serious medical condition?

In general, we are willing to be flexible and work collaboratively with your medical doctor if you have a serious medical condition. There may be some serious medical conditions that are too severe to allow for participation in the FMHC program and will be reviewed on a case-by-case basis.

You are expected to **fully** disclose and keep Mr. O’Neill updated about your condition, current medical care and medical history. You must provide him with verification from your medical practitioner for any absences, contagious medical conditions, and anything that impacts your ability to participate in the program.

Please refer back to the section on “**Medical Needs**” (pg. 10) regarding your use of only one medical group/PCP and one pharmacy. If, however, you are required to have more than one medical provider (e.g., a primary care physician and a psychiatrist), we require you to sign Releases of Information between and among all of them and the FMHC team to ensure continuity of care.

What if I have a contagious or communicable disease?

Participants with contagious and/or communicable diseases (such as Hepatitis C and HIV) are permitted to participate in the FMHC program, but will be referred to the Spokane County Regional Health District to ensure appropriate measures are taken so others do not become infected.

May I use prescription medications while in the program?

FMHC participants are expected to adhere to their psychotropic medication regimen as prescribed by their primary care provider or licensed medical practitioner (e.g., ARNP, psychiatrist, etc.). This regimen is designed to assist you in addressing the symptoms of your mental illness that cause behavioral and/or thought difficulties. You must make sure that your medical practitioner(s) fax required medical documentation to Mr. O'Neill. You must use the medication strictly as directed. If at any time you are prescribed other medications while you are in this program, you must ensure that your medical practitioner faxes required medical documentation to Mr. O'Neill. Other than psychotropic medications, FMHC participants are expected to be chemically free.

FMHC participants are strictly prohibited from using medical marijuana, narcotics, or addictive medications for ongoing treatment of chronic pain. We will, however, refer you to pain management resources for assessment and medical management to assist you in tapering off such medications.

Participants will not accrue sobriety time until all narcotic-based or potentially addictive medication is no longer being prescribed or used. Sobriety time is affected regardless of whether the prescription medication is approved and verified. UA tests will check for these and other substances.

Use of any other substances, including marijuana, alcohol or medication not currently prescribed for you, is strictly forbidden.

What if I need child care during my appointments?

There may be resources for child care that you can access while you are participating in program requirements. Please discuss with Mr. O'Neill if child care is needed.

There is also free child care at the Children's Waiting Room, located in the courthouse complex, where your children may stay while you are at court appearances. Please do not bring your young children with you to court.

What if I want to travel outside of Spokane County?

If you need to travel outside Spokane County, you must first contact Mr. O'Neill to request permission to leave. If your request is approved, the travel permit will be issued. If you are currently on DOC supervision for a felony conviction, you must also secure a travel permit from your CCO. You must notify Mr. O'Neill and CCO immediately after you return to Spokane County.

What sanctions or incentives may be given?

You are expected to complete your required tasks and assignments in the FMHC program. Based on your participation, you may be eligible to receive either sanctions or incentives. When available, possible incentives may include:

- Praise from the Judge
- Sobriety Coins
- Public Applause/Acknowledgement
- Decreased frequency of Court appearances
- Move to beginning of Court docket
- Decreased DOC supervision/contact
- Gift Cards
- Snacks or other tangible rewards

Possible sanctions for any infraction of the rules or court instructions may include:

- Increased frequency of Court appearances
- Increased DOC supervision/contact
- Increased random drug testing
- Day reporting
- Completion of therapeutic workbooks or other written assignments (Judge must approve PC request for this)
- In Patient Treatment
- Termination

What are grounds for termination?

You may be terminated from the FMHC program for a variety of reasons. Although a relapse is not absolute grounds for termination, a continual inability to meet your ISP goals (including, but not limited to, ongoing abstinence) will result in, at minimum, a termination hearing.

There are several grounds for possible termination. These may include:

- Possession of alcohol, drugs, or paraphernalia at your residence, in your car, or on your person.
- Possession of a weapon in your residence, car, or on your person.
- Any new felony charges.
- Living with another FMHC participant, other than in approved Oxford Housing.
- Corrupting or negatively influencing another FMHC participant, including initiating an intimate relationship.
- Tampering with any specimen for drug testing: using the urine of someone else for your own, or allowing someone else to use your urine for their sample.
- Flushing, adulterating, diluting, mouth coating, using charcoal or utilizing any other method to attempt to mask use.
- Consistent and repeated non-compliance with treatment recommendations.
- Non-compliance with court orders or program requirements.
- Being in Bench Warrant status.

What happens if I am terminated from the FMHC program?

The FMHC Judge will hold a termination hearing, at which the Judge will review your FMHC performance and make a decision on termination. The termination will be followed by an abbreviated trial on the felony charge that originally brought you to the FMHC.

When you opted in to the FMHC program, you stipulated to the facts in the police report(s). The Judge will review the police reports and the Affidavit of Probable Cause. If the facts alleged provide sufficient facts to support a finding of guilt, the Judge will pronounce you guilty and impose a sentence.

IV. GRADUATION

Once you have successfully completed the 24-month program through progressing through the stages and meeting your ISPs' goals, you may be considered for graduation.

The following are the basic requirements for graduation:

Program Participation and Cooperation: You are connected with an ongoing therapeutic support system and will have complied with your ISPs' goals;

Drugs and Medications: You are following your prescription medication regimen and abstaining from any other substances for at least 6 months;

Basic Graduation Requirements (cont.):

Triggers: You are able to identify and understand what circumstances and/or events are likely to trigger relapse behaviors, including your decision to stop taking your prescribed medications. You have new responses to those signs, including a list of significant others who can be helpful when the triggers are present.

Legal/Financial: You have resolved your restitution obligations, and you have a clear plan for addressing any other outstanding financial matters in the criminal justice system.

Basic Life Needs: You have the skills to secure food, clothing and safe, stable and appropriate housing.

Reliability: You have no excessive or unexcused absences from appointments, employment, training classes or other obligations.

Discharge/Aftercare Plan: Developed jointly with your mental health practitioner, and will include the Wellness Management Plan. The plan describes how you will maintain stability after graduation, including what you will do every day to stay well, identify triggers that could make you feel worse, and an action plan for what you will do when triggers or crises appear. You will also describe your goals for your future and a plan to achieve those goals. The Discharge/Aftercare Plan must address the following elements:

Elements of the Discharge/Aftercare Plan:

- Crisis Management and Mental Health Treatment
- Chemical Dependency Treatment
- Employment or Vocational
- Housing and Income
- Natural Supports
- Socialization
- Legal Issues
- What you have learned from the FMHC program
- Future Goals

When you have successfully completed the program and all treatment requirements, you will graduate and your felony charge that originally brought you to the FMHC will be dismissed. The FMHC holds graduation ceremonies in the courtroom at the start of the FMHC docket. You will receive your dismissal order from the FMHC Judge, together with various gifts from the FMHC Team and the community that recognize and celebrate your accomplishment. Your family, friends, employers, and counselors are welcome to come to the courtroom Graduation Ceremony.

V. Therapeutic Felony Mental Health Court Team

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