

South Lake Tahoe Behavioral Health Court  
Matters of Interest to an Ad-Hoc Committee  
South Lake Tahoe Council  
of the El Dorado County Mental Health Commission,

1. Cite the statutory or regulatory provisions that govern the Behavioral Health Court (BHC). Describe the mission document guiding the Behavioral Health Court. Please attach the EDC BHC mission statement and protocol documents.

Mission Statement: El Dorado County Behavioral Health Court is designed to promote public safety and contribute to a reduction in recidivism and substance abuse among mentally ill offenders. It is an intensive program designed to evaluate, treat, and monitor participants, and provide coordinated and comprehensive mental health treatment, substance use disorder treatment, and ancillary services to the participants.

Goals:

- Fewer days spent in custody
- Fewer repeat offenders
- Increase in the number of days engaged in pro-social activities.

There are no state or federal statutory regulations that govern the Behavioral Health Court. Our courts adhere to the Ten Guiding Principles of Effective Problem Solving Courts as set forth by the Substance Abuse and Mental Health Services Administration the National Association of Drug Court Professionals, and the Bureau of Justice Assistance. The Ten Guiding Principles are: 1. Target the Population, 2. Perform Clinical Assessment, 3. Develop the Treatment Plan, 4. Supervise the Offender, 5. Forge Agency, Organizational and Community Partnerships, 6. Judicial Leadership, 7. Develop Case Management Strategies, 8. Address Transportation Issues, 9. Evaluate the Program, 10. Create a Sustainable Program.

2. Which State and El Dorado County departments/agencies/offices/entities are involved? Which nongovernmental entities may be involved?

Probation, Public Defender, District Attorney, Mental Health, Alcohol and Drug Programs, Progress House, Tahoe Turning Point, Wellspace Health, Community Recovery Resources, Live Violence Free.

3. Intake and Penetration

- 3.1 What are the criteria for identifying potential candidate individuals for participation in the program?

- Demonstrate that mental illness is a contributing factor in the activity that brought them to the attention of the criminal justice system.
- Can benefit from Mental Health Treatment.
- Eligible for probation.
- The ability to understand the consequences of the legal proceedings and the agreement that s/he is making with the court.
- Diagnosed with a Serious Mental Illness as defined in the Welfare and Institutions Code 5600.3
- 18 years or older
- Deemed a risk at re-offending without appropriate Mental Health treatment.
- El Dorado County resident.
- Must enter a guilty or no contest plea in Behavioral Health Court unless unusual circumstances.

3.2 How are candidate individuals selected, in practice, for active participation? Who makes the selection?

A referral into the Behavioral Health Court may be made by a member of the BHC Team by notifying the Court and Counsel of a potential client. A formal referral must be made through Superior Court following adjudication. Referral form is sent to Mental Health and a clinical assessment is conducted. The client signs consent forms and release of information forms. The Mental Health Clinician then presents the assessment results to the BHC team. The team then works collaboratively to determine if they believe the client is an appropriate candidate for BHC.

3.3 What factors might discourage an individual from participating? Why might counsel advise individuals against participation?

Clients in the BHC often have transportation challenges and participation in BHC does require active engagement in a variety of treatment and pro-social activities during the week. If a client is not able to adhere to treatment recommendations that are ordered in the BHC it places them at risk of violating court orders and violating their terms of probation and could result in more criminal justice involvement. Counsel may look at the charges and the amount of jail and probation time and if the BHC lasts longer than the sentence for the original charges, Counsel may advise against participation in BHC

Substance abuse is also a challenge many if not most of our BHC clients face. Sometimes our clients with both substance use disorders and mental illness are too symptomatic and acute to be treated safely or effectively within the level of care we have available. There is an extreme lack of provider capacity within our entire state for the very high level of care that some of our clients need. The BHC team works extremely hard to find the appropriate combination of treatments when faced with these challenges.

Shortages in staffing can also present challenges in the coordination of the Behavioral Health Court. When county staff move on, the hiring process can take time to recruit, interview and hire an appropriate candidate.

Adequate safe and stable housing is often something our BHC clients face. To mitigate this issue, South Lake Tahoe Mental Health now has a transitional home dedicated specifically for BHC clients. This transitional home is supported by the Intensive Case Management Team which provides medication support, home visiting, transportation and other ancillary services

3.4 After selection, is there a waitlist for active participation? What is the statistical distribution of wait times? This could be described in a simple bar graph, for example.

The Behavioral Health Court has not had a wait list. Once clients are ordered in, they may have to wait for specialty services such as residential substance abuse treatment, psychiatric services, transitional living or necessary medical appointments. Once clients are ordered in to BHC they are immediately placed into the Engagement Phase of BHC which includes completing a client services plan, attending weekly BHC check in group, attending court sessions and all other treatment services identified in the client services plan.

3.5 Do the public entities and agencies promote and encourage the use of the Behavioral Health Court? If so, in what ways? Is a brochure available to the general public? If so, how it is distributed. Please furnish a copy of the brochure.

Brochures have been distributed to both Placerville and South Lake Tahoe teams including members of NAMI. I have attached a brochure in the e-mail with this document. Team members do promote

BHC within their agencies.

#### 4.0 Processes:

- 4.1 How can family members participate?  
Family members can be supports during court proceedings and can support success in the program by encouraging attendance at all ordered services. If the client chooses, the family may be included in treatment planning.
- 4.2 If there are substance use issues, how often are urine tests and other tests conducted?  
Participants are tested randomly by Probation, the treatment provider, and/or Mental Health.
- 4.3 Describe the role of the Probation Department in the process  
Probation provides the supervision and the authority to enforce the court's orders. The supervising probation officer provides accountability in the BHC and can also provide support and resources to the BHC clients. The Probation officer provides valuable information to the collaborative team regarding testing results, potential issues and needs.
- 4.4 What are known differences in processes and procedures between the west slope and Tahoe courts?  
Placerville and South Lake Tahoe operate under the same policies and procedures. Both teams have provided feedback and contributed to the development of these policies and procedures. Placerville and South Lake Tahoe have agreed to form a combined review committee to insure consistency.
- 4.5 What role do Jail representatives play in the BH court processes?  
The jail representative provides information to the BHC team regarding how the client is faring if incarcerated and report any issues or problems the client may have had during jail stay.
- 4.6 If individuals are kept in jail although they are BHC participants, what are reasons for this?  
BHC participants may be incarcerated for violations of probation or for committing new offenses.
- 4.7 What are the incentives for individuals to comply with Court conditions? Do they include dismissal of charges or waiver of fine?  
BHC clients are given a variety of incentives to recognize positive progress including verbal praise from the judge and team, gift cards, inspirational books and medallions. Fines and fees may be waived or stayed on a case by case basis. Reduction of charges or dismissal is considered on a case by case basis by the judge and counsel.
- 4.8 What is the statistical distribution of length of time individuals remain in the BHC process, in terms of a simple bar graph, for example?  
The average length of time is a year and one half.
- 4.9 Describe the graduation processes, and ceremony if any, including criteria for graduation.  
When a client graduates they are acknowledged with a certificate of graduation , a special incentive and acknowledgement from the audience, judge and team. Clients are also given an opportunity to speak to the team and the audience about their experience and how they succeeded. Graduation criteria are contained in the BHC policies and procedures and are as follows:
- Client must have attended all court appearances.

- Demonstrate pro-social behavior.
- Engaged in ongoing therapeutic support system.
- Appropriate use of medications as prescribed.
- Compliance with terms of probation.
- Has addressed all outstanding matters with the criminal justice system.
- Demonstrate self reliance, self awareness as evidenced by being able to identify triggers, establish an ongoing aftercare plan, has means to meet basic life needs such as food, shelter, and clothing.
- Reliability as evidenced by having no excessive or unexcused absences from appointments, employment, training, or other obligations defined in the Mental Health Treatment Plan/Court Order.
- Financial responsibility or community service responsibility as evidenced by making all required payments or performing all assigned community service hours.

4.10 Describe how the several SLT BHC agencies have researched or surveyed benchmark BHC programs in other counties?

Judge Bailey and members of the South Lake Tahoe BHC attended the National Drug Court Conferences for two years in a row. These 4 day long conferences feature specialty training presented by Judges of successful Behavioral Health Courts from across the county. Judge Bailey and team members participated in workshops that focused on key components to successful Behavioral Health Courts.

## 5. Outcomes

5.1 How does the actual operation of the BHC compare with the formal protocol, in terms of objective measures?

I am not sure what formal protocols are being referred to here. The BHC teams do adhere to the Policies and Procedures they have developed and they do follow the 10 Guiding Principles of successful Problem Solving Courts.

5.2 Describe the recidivism statistics. What are the trends over time?

In the last fiscal year no client who has graduated, terminated, or completed unsuccessfully who has reoffended.

5.3 What are the opportunities for the individuals to critique and evaluate their experience?

Clients are able to critique and evaluate their experience weekly in a group setting and at graduation when addressing the court about their experience.

5.4 Describe the Continuous Improvement Process.

BHC teams on both slopes continuously strive to improve their processes and meet as collaborative teams to discuss improvements. The Placerville collaborative team meets once monthly for an average of 2 hours, South Lake Tahoe meets twice monthly for an average of 2-3 hours. Team members encourage feedback from clients about what's working and not working for them, the teams also attend trainings and conferences to learn about best practices.

5.5 What metrics do the BHC-involved entities use to track effectiveness?

The BHC team monitors effectiveness by tracking client progress through the Phases of their BHC program. The Alcohol and Drug Programs unit is just now getting access to AVATAR (an electronic health record that will allow us to run reports much more efficiently. We do also track the number of participants engaged in the program each month and the number of successful graduations. This last fiscal year we had six successful graduations, two terminations from the program and three individuals that were evaluated for the program but did not meet the criteria. (These numbers are from both Slopes)

5.6 Just as offenders on traditional probation may fail to comply with the conditions of probation and therefore are subject to consequences such as incarceration, not all individual subjects of BHC will have successful outcomes. For a recent 12-month or longer period, please report the quarterly (or other) outcome numbers in terms of graduations and failures, and also the numbers of individuals who were evaluated for BHC but not accepted into the program, along with specified reasons. This last fiscal year we had six successful graduations, two terminations from the program and three individuals that were evaluated for the program but did not meet the criteria. (These numbers are from both Slopes). The individuals that were not accepted into BHC had cognitive impairments that would not enable them to benefit from the program.