



# BHC: TREATMENT-BASED JUSTICE

PROGRAM STARTED JUNE 2016

## BHC TEAM:

- Judge Sally Pokorny
- Senior Assistant District Attorney James Carpenter
- Adult Services Officer Jolene Cullen (supervision)
- Adult Services Officer Katrina Hayes (statistics, administrative)
- Bert Nash Clinician Sharon Zehr (assessments, peer support/case managers)
- Bert Nash case manager Michaela Durner & intern Vera Petrovic
- DCCCA Clinician Blair Bracciano (evaluation, treatment groups)
- DCCCA Peer Support supervisor Chasity Shaffer
- Re-entry Representative Rebecca Sudja
- Defense Attorneys Kenzie Singleton, Brenda Clary, & Karen Ebmeier

# RULES RELATING TO SPECIALTY COURTS

- Rule 190
  - (a) A specialty court is a court program that uses therapeutic or problem-solving procedures to address underlying factors that may be contributing to a party's involvement in the criminal justice system, i.e., mental illness or drug, alcohol, or other addiction. Procedures may include treatment, mandatory periodic testing for a prohibited drug or other substance, community supervision, and appropriate sanctions and incentives.

# RULES RELATING TO SPECIALTY COURTS

## ■ Rule 190

### ■ *Ex Parte* Communications relating to Judges:

- (c)... A judge presiding over a specialty court docket established under subsection (b) may initiate, permit, and consider an ex parte communication with a probation officer, case manager, treatment provider, or other member of a specialty court team, either at a team meeting or in a document provided to all members of the team.
- d) ... A judge who receives an ex parte communication under subsection (c) may preside over any subsequent proceeding if:
  - (1) the judge discloses to the parties the existence of the communication and, if known, the nature of the communication; and
  - (2) the judge obtains the parties' consent to the judge's participation in the proceeding.

# RULES RELATING TO SPECIALTY COURTS

- Rule 191
  - Establishing a Specialty Court Committee of 12 members appointed by the CJ of the Kansas Supreme Court, and an OJA representative, and a Supreme Court justice to serve as a liaison

# RULES RELATING TO SPECIALTY COURTS

## ■ Rule 192

### ■ Establishing 7 Standards for Specialty Courts:

- 1) Measurable Goals and Objectives
- 2) Policy and Procedure Manual
- 3) Evidence-Based Practices
- 4) Eligibility Criteria
- 5) Treatment Providers
- 6) Participant Compliance (incentives, rewards, sanctions, therapeutic responses)
- 7) Judicial Education

# MEASURABLE GOALS AND OBJECTIVES

## ■ Four Identified Goals:

- Connect criminal defendants who suffer from serious mental illness to treatment and support services in the community.
- Improve coordination between the mental health and justice systems for persons with mental illness.
- Reduce participant days spent in jail and reduce the potential for further interactions with the criminal justice system.
- Improve the quality of life for people with mental illness and co-occurring disorders.

# POLICY & PROCEDURE MANUAL

- <https://www.douglascountyks.org/behavioral-health-court>

## EVIDENCE-BASED PRACTICES

- BHC is a bit of an outlier, as there are few mental health specialty courts and not a lot of specific mental health court data sets that come with drug courts and veterans courts
- Douglas County BHC collects data on applicants & participants. The County aggregates the data and produces quarterly reports. BHC reviews that data analysis for areas of improvement.
- Where there are unknown best-practice standards in mental health, BHC consults and adapts drug court standards



# ELIGIBILITY CRITERIA

- Douglas County Resident
- At least 18 years of age
- Pending pre-conviction adult criminal charges in the Seventh Judicial District Court charges
  - Cannot be solely probation violation(s) or municipal charges
- Meet criteria for having a severe mental illness (SMI) or severe and persistent mental illness (SPMI)
- Clear, distinct connection between the incident and mental illness
- Must be willing to participate for at least one year.
- No homicides, sex offenses, or DUIs

# TREATMENT PROVIDERS

- Team members
  - DCCCA
  - Bert Nash
- Other community providers
  - Heartland
  - Veteran's Administration (VA) service providers
  - Private therapists, counselors, medical professionals

# PARTICIPANT COMPLIANCE

- Participant Handbook
- Incentive & Sanction Grids

# JUDICIAL EDUCATION

- National Training at AllRise
- Monthly administrative meetings that include educational programs for BHC team
- Team members invited to present on our experience in Douglas County

# WHAT A DEFENSE ATTORNEY SHOULD DO

- Counsel with the Client!
  - \*At least\* a one-year program and most participants take longer than twelve months
  - Requires the participant to be drug and alcohol free for the entire duration, including CBD products and some other “legal” products
  - Requires drug and alcohol testing, but we can provide supportive services to remain sober
  - Pre-plea specialty court but it requires participant to waive their right to a speedy trial
- Fill out current Referral Form and send to District Attorney’s office
- Inform client that someone from Bert Nash may be calling to set up an evaluation and that evaluation needs to be done ASAP

# Douglas County Specialty Court Referral Form

E-mail completed form to:

[dadrugcourt@douglascountyks.org](mailto:dadrugcourt@douglascountyks.org) or [dabhc@douglascountyks.org](mailto:dabhc@douglascountyks.org)



Date: \_\_\_\_\_ Specialty Court Program: \_\_\_ Drug Court  
 Behavioral Health Court

Proposed Participant's Name: \_\_\_\_\_

DOB: \_\_\_\_\_ Last 4 digits SSN: \_\_\_\_\_ Age: \_\_\_\_\_

Gender: \_\_\_\_\_ Race: Please Select Hispanic or Non-Hispanic: Please Select

Primary Language: \_\_\_\_\_ Military Service: \_\_\_ Yes \_\_\_ No Branch: \_\_\_\_\_

Case Number(s): \_\_\_\_\_

Current Charge(s): \_\_\_\_\_

Is the Proposed Participant currently in custody? \_\_\_ Yes \_\_\_ No

Is the Proposed Participant on active probation, parole, or post-release? List County/Counties.

\_\_\_\_\_

Does the Proposed Participant have any other pending (municipal or out-of-state) cases? Status:

\_\_\_\_\_

Current/Proposed Douglas County address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Alternative Number: \_\_\_\_\_

Referral Made By: \_\_\_\_\_  
(Name) (Title) (Phone #) (Email)

Provide a brief summary of why the Proposed Participant is a good candidate for Specialty Court:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### SCREENING CRITERIA:

- \_\_\_ Yes \_\_\_ No Does Proposed Participant reside in Douglas County?
- \_\_\_ Yes \_\_\_ No Does Proposed Participant admit to abusing substances (drug(s) and/or alcohol)?
- \_\_\_ Yes \_\_\_ No Does Proposed Participant have a serious or persistent mental illnesses?
- \_\_\_ Yes \_\_\_ No Does Proposed Participant have Douglas County felony/misdemeanor charge or felony probation violation pending?

**NOTE: THIS IS NOW A ONE-PAGE FORM**

# POTENTIAL REASONS FOR REJECTION

- Defendant is not interested in participating after hearing the requirements
- Defendant does not meet the criteria for SMI or SPMI
- Defendant is not a Douglas County resident
- The crime does not relate to mental illness or there is no connection between the mental illness and the charged crime
- Drug use or addiction interferes substantially, making the defendant unable to participate in the program or is the primary reason for the criminal charges
- Public Safety Risk or High Risk of Violent Re-offense (DA's office determination)
- Disqualifying criminal history
- Pending holds and unresolved matters (KDOC, out-of-county probation)
- Not competent
- Does not meet minimum criteria (example: under age 18, sole charge is DUI)

# QUALITIES OF A SUCCESSFUL PARTICIPANT

- Meets minimum criteria
- Clear connection between crime and mental illness
- Expresses a desire for intervention and maturity to accept the need for services
- Acknowledges responsibility for the crime committed
- Readiness for change and genuine enthusiasm to attend treatment & recovery support sessions
- Willingness to accept inpatient treatment, supportive housing, supportive services, counseling
- Total and complete abstinence from substance use, including “legal” substances like alcohol, CBD, Delta 8/9/infinity



# POTENTIAL INDICATORS OF A BHC PARTICIPANT

- Medications
- Prior treatment or hospitalization
- Current or past involvement with Bert Nash
- Family or friends reporting behaviors
- Expressed interest in therapy and/or mental health services or participation in BHC
- Behavioral clues

## HELPFUL LINKS

- Kansas Supreme Court: <https://www.kscourts.org/About-the-Courts/Specialty-Courts>
- Criminal Justice Coordinating Committee, 2021 Presentation:  
<https://www.douglascountyks.org/sites/default/files/public-meetings/criminal-justice-coordinating-council-cjcc/docs/2022/bhcevaluationcjcc.pdf>
- National Association of Drug Court Professionals (NADCP):  
<https://allrise.org/>