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Mental Health Task Force Adopts Plan, Expands Pilot Program

REHABILITATING THE COURTS

By Elizabeth Bennett
Of the DLW

Editor's note: This is the sixth in a series of occasional articles examining Delaware's efforts as part of the Chief Justices' National Criminal Justice Mental Health Leadership Initiative.

A little more than one year after it was convened, the task force in Delaware that is addressing mental health issues and their intersection with the criminal justice system has issued its strategic plan and has taken a pilot mental health court program in New Castle County statewide.

Justice Henry duPont Ridgely of the Delaware Supreme Court, who was appointed by Chief Justice Myron T. Steele to chair the task force, said it will meet within the next few weeks "to discuss what additional steps the task force can take as a whole as well as what individual members of the task force may do in their individual roles to accomplish the objectives of the strategic plan."

The plan, released in late January, describes the Sequential Intercept Model, a comprehensive method to improve outcomes for mentally ill people who need treatment, not incarceration. Given that incarceration is expensive, the idea is that this program will save money as well as improve people's lives.

The task force first convened in December 2009 after Delaware was chosen to participate that September in the Chief

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gave rise to the person being an offender. If it is mainly a mental health issue, we want to concentrate on helping that person get well."

TASC is part of the Delaware Health and Social Services Division of Substance Abuse and Mental Health. Susan K. McLaughlin, its director, said each county has a team comprising a psychiatric social worker from TASC and probation officer, as well personnel from the courts, the Attorney General's Office and the police department.

McLaughlin said federal grants are allowing TASC to hire new counselors and allowing the court to hire judicial case managers for the mental health dockets on a contract basis.

"To be able to go statewide in a short period, and to get all the players together and get the funding for what the courts need in a year is a great turn around time," McLaughlin said.

In Sussex County, the mental health violation of probation docket will be handled by Resident Judge T. Henley Graves.

While the first session has not yet been scheduled, Graves said the team met on March 5 to discuss the how to identify offenders qualified for the program.

Graves said the program will select people "for whom it appears that mental health issues are the precipitators" of their offense.

Once identified, offenders will come in on a regular basis for a status conference. Graves said studies of the special drug court dockets in the state have revealed that this is an important part of process.

"Knowing that they are coming back in front of a judge — who will say, 'Hey are you doing well, or do we have problem?' — it makes a difference," he said.

The program should be in high gear in two to three months, Graves said. "We are learning to crawl right now." •

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Justices' Criminal Justice/Mental Health Leadership Initiative, a national program. The state received funding as well as critical technical assistance from the Council of State Governments Justice Center and the National GAINS Center.

The Sequential Intercept Model was a part of the technical assistance. Ridgely said he and a few other members of the task force learned about the model at a regional conference in Philadelphia in January 2009.

"We specifically focused on what had been done in Ohio and Florida through the leadership of the judiciary there. Both those states made significant progress," Ridgely said.

The model has five stages of interception, meaning points at which a person with mental health issues can be identified and assisted. They are law enforcement, initial detention and initial court hearings, prisons and courts, re-entry and community corrections.

An important piece at the law enforcement level is the training of crisis intervention teams, a 40-hour program that teaches officers verbal de-escalation techniques, and gets them familiar with the pertinent laws as well as the role played by community services, according to the strategic plan.

The CIT approach was first used in Memphis in 1988. That police force reported a decrease in arrests and in the use of force. It has now spread to 35 states, the strategic plan says.

Ridgely said Delaware has received some federal funding and planning for the training continues. At a task force meeting in October, the members heard from Police Chief Thomas Garrity of Collingswood, N.J., whose department is using CITs.

"He actually provided an example of how one of his officers had the training and as a result was able to defuse a situation of a person in crisis and mentally ill who was cutting himself with a butcher knife," Ridgely said.

The officer had learned the de-escalation techniques and was able to get the man to hand the knife to him handle first.

"The officer acknowledged that if that had happened prior to training that man probably would have been shot," Ridgely said.

Another goal of the strategic plan is the expansion of Crisis Assessment and Psychiatric Emergency Services, a partnership between the state Department of Substance Abuse and Mental Health and Christiana Care. Right now the services are only available at Wilmington Hospital. The aim is to expand it statewide and form partnerships between CAPES, law enforcement and Medicaid, among others, the strategic plan says.

Concerning interception at the level of the prisons and the courts, a big part of the task force's work involves the mental health court program.

This type of special docket was launched in New Castle County Superior Court in April 2008. It identifies offenders with mental health issues at the stage when they have violated their probation and the program is now being replicated in Kent and Sussex counties, as called for in the strategic plan.

The program diverts offenders diagnosed as mentally ill onto a docket presided over by Judge Jan R. Jurden, who is a member of the task force. Offenders receive treatment in lieu of their record reflecting that they have violated their probation. They must agree to participate.

In Kent County, Judge William L. Witham Jr. has volunteered to handle the mental health docket. Its first session has been scheduled for March 12.

Witham explained that offenders who elect to participate agree to waive certain constitutional rights and authorize access to their medical records.

"Really a team approach is required. [The Treatment Access Center] designates a person, and a probation-and-parole officer is designated to help determine the people eligible," Witham said. "The whole idea is to directly deal with the issue that

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