Delaware Law Weekly

September 2, 2009 • Volume 12, Number 35 $10.00 An incisivemedia publication

Mental Health Docket Helps Probationers Stay Out of Jail

REHABILITATING THE COURTS

By Elizabeth Bennett
Of the DLW

Editor's note: This is the fifth in a series of articles spanning the year that will examine Delaware's efforts as part of the Chief Justices' National Criminal Justice Mental Health Leadership Initiative.

The first probationer to come before Superior Court Judge Jan R. Jurden as she presided over the violation of probation mental health docket in New Castle County on Aug. 18 has made the kind of progress the program is meant to foster.

"The reports are all that she's doing very well," Jurden said. The probationer's attorney explained that she has been working a lot of hours and aspires to continue her education.

"I am asking that her curfew be changed from 8 o'clock to 9 o'clock to reward her," the attorney said.

Daina Gunther, a psychiatric social worker and case manager from the Treatment Access Center, or TASC, then reported that the probationer's drug screens have all been good.

"I'm making a lot of progress personally," said the probationer, a stocky young woman.

After asking the probationer a few questions about her counseling and her efforts to go to school, Jurden proceeded to order the requested curfew change. She set the next appearance for Sept. 29.

"You look great, you look healthy," Jurden said.

When the woman returns next month, her case managers will make another report. In this way, the programs give people who have been diagnosed with a mental illness the extra guidance they need to help them finish their probation, continue their treatment and stay away from another run-in with law enforcement.

The program is a collaboration among the court, the Attorney General's Office and TASC, which is the primary liaison between the Division of Substance Abuse and Mental Health of the state's Department of Health and Social Services and the criminal justice system.

Jurden handles all of the cases, creating a continuity that is helpful to the probationer. She also sits on the Mental Health Task Force chaired by Delaware Supreme Court Justice Henry duPont Ridgely. The task force was formed after the state was chosen for the Chief Justices' National Criminal Justice Mental Health Leadership Initiative. Jurden is chairwoman

Docket *continues on page 5*

Docket

Continued from page 1

of its Communication, Collaboration and Resource Allocation Committee.

The Mental Health Court seeks to identify people with mental health issues who have violated their probation. Jurden explained that they can't be violent, and they can't be sex offenders.

The second probationer who appeared that day also had done well, despite a hospitalization that resulted from an inadvertent mix up with his medication.

"This is the best he's ever done. He's staying positive," said Gunther, adding that TASC wants to get him working on his General Equivalency Diploma.

"I believe he will succeed," Gunther said.

Jurden praised the man for his progress.

"You are going to be done [with] probation a heck of a lot earlier" than without this program, she said, ordering his next appearance for Sept. 15.

The last probationer due to appear was not such a success story. He failed to show up and Jurden issued a warrant for his arrest, because failure to appear in court is a violation.

"When he gets picked up how do we convey that he has mental health issues and needs medication?" asked Jurden, touching on an element of collaboration between the courts and law enforcement, an issue that is being addressed by the task force.

"How do we find out if he's been picked up?" Jurden added.

The probation officer said he would send an e-mail to the police so that they know this man is in the program.

The state is working on uniform coding for warrants to notify law enforcement about the status of a person for whom the warrant has been issued, Jurden said.

After the Mental Health Court's business was finished that day, Susan K. McLaughlin, the director of TASC, explained that the missing man was not necessarily going to be removed from the program.

Before court, the case team meets to discuss the client and assess his or her progress and prepare a report for the judge, she explained. They decide on a case-by-case basis whether people should be given another chance if they are doing poorly.

The Superior Court's mental health docket launched in April 2008, and while a study is under way, it's too early to assess it in any formal way.

While this Mental Health Court was started before Delaware was chosen to participate in the national initiative, it is very much in the thick of the state's overall effort.

The Superior Court's specialized docket is one of three in Delaware, all in New Castle County. Mental health dockets exist for the Court of Common Pleas, presided over by Judge Joseph F. Flickinger III, and Family Court, handled by Commissioner Loretta Young. Young and Flickinger also sit on the task force with Jurden.

According to the task force's interim report, the state has an immediate ambition to expand these courts. The goal is for the Superior Court program to first move into Sussex County, where it would handle both pre- and post-adjudication nonviolent felony offenders whose mental illnesses contributed to their criminality.

The state courts applied for a Byrne Grant from the federal Bureau of Justice Assistance, and the Superior Court has received $347,000, Jurden explained in an e-mail.

"This is designated to be used to fund 'criminal' positions or projects such as the mental health court," she said.

According to Ronald Keen of the Criminal Justice Council, the portion of this year's Byrne Grant allocated to the court system is about $1.3 million, to be divided among the administrative office and all trial courts except the Court of Chancery.

While attending a BJA training seminar in Washington, D.C., last month, Jurden learned that 3,600 grant applications were received. The demand was more than $3 billion for programs regarding the mentally ill involved in the criminal justice system.

"That's how much of an interest there is" in these programs, Jurden said.

The seminar presented a wealth of other information as well. Jurden said it was incredibly worthwhile, a "who's who of experts."

Called "Smart Responses in Tough Times: Achieving Better Outcomes for People With Mental Illness Involved in the Criminal Justice System," it included sessions on special courts for veterans, data collection on cost and recidivism, saving money through reduced jail and prison time, and information sharing and collaboration among agencies, courts and law enforcement.

Jurden was able to attend thanks to a scholarship from the Council of State Governments, as were Flickinger and James Kane of the Criminal Justice Council. •