

BEHAVIORAL HEALTH COURT (BHC)

PROGRAM STARTED JUNE 2016 (PILOT)
AND JANUARY 2017 (ADDITIONAL PARTICIPANTS ADDED)

BHC TEAM:

- Judge Sally Pokorny
- Senior Assistant District Attorney James Carpenter
- Adult Services Officer Jolene Cullen
- Adult Services Officer Katrina Hayes (statistics, administrative)
- Bert Nash Clinician Sharon Zehr (peer support/case managers)
- DCCCA Clinician Blair Bracciano & peer support Chasity Shafer
- Defense Attorneys Kenzie Singleton, Brenda Clary, & Karen Ebmeier
- Leonidas, a therapy dog

WHO IS ELIGIBLE?

- 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)
- 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

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

THINGS THAT ARE *NOT* AUTOMATIC INDICATORS

- Client's desire to "get the case dismissed"
- Active or past reported addiction to drugs or alcohol
- Low intellectual functioning
- Self-reporting of mental illness

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
 - 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

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 (example: shoplifting and a diagnosis of anxiety)
- 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
- 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
- Enthusiasm for treatment, not just mere acceptance
- 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