

Mental Health Programs

by Judge Charlotte Cooksey, Baltimore City District Court
Judge Mimi Cooper, Harford County District Court

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Judge Cooksey

Increasingly, large numbers of mentally ill people are entering the criminal justice system each year—a trend that poses a growing social problem that burdens both the criminal justice system and the public mental health system. It is estimated that 16 percent of the incarcerated population suffers from a serious mental illness, and at least 75 percent of them also have a substance abuse problem. The traditional approach to processing criminal cases often creates a barrier that prevents the court from identifying and responding to the unique needs of the mentally ill offender.

“These offenders frequently spend unnecessary time in jail, and lacking access to mental health treatment services on release, tend to be re-arrested and recycled through the system,” said Baltimore City District Court Judge Charlotte M. Cooksey. “The needs of the community are not addressed, the costs to the taxpayer escalates, and the defendant continues to have the same problems and associated risks.”

Baltimore City’s Pilot Program

In Baltimore City, where the mentally ill offender population is large and the problems are extreme, a partnership was formed in 2002 to create a Mental Health Court pilot program. The goal of the program is to improve outcomes for this special population, while increasing public safety. The program began with the consolidation of all cases in which a competency evaluation was ordered—approximately 250 each year.

“Previously, these cases were scattered among nine different criminal courts and multiple judges, prosecutors and defense attorneys,” said Judge Cooksey, who heads the program. “Consolidating these cases onto a single docket allows for case processing by a dedicated team of individuals, trained in mental health law, who follow each case throughout the process.”

As partners, the Office of the Public Defender and the Office of the State’s Attorney provide resources to the court, and the Division of Parole and Probation and the Division of Pretrial Detention and Services each dedicate an agent to the project. A key role in the project is played by FAST (Forensic Alternative Services Team) staff, master’s-level clinicians who assist with the identification, assessment, planning, and in some cases, monitoring of the defendants. Police departments from Baltimore City and Baltimore County also participate in the effort by agreeing to expedite the execution of any warrants that are issued.

In order to enroll in the program, the defendant must be a Baltimore City resident who is eligible for public mental health services. There must be a diagnosis of an Axis I serious mental illness and/or a trauma related disorder. The charge may not be a domestic violence related offense, and the defendant may not have any prior convictions of a crime of violence. Defendants may be referred to the program from a variety of sources. Defendants who remain in custody are often referred by court commissioners, Pretrial Detention and Services investigators or jail medical staff. Police, attorneys, family members, advocacy groups, clinicians and probation officers are also potential referral sources, in addition to District Court judges.

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With the exception of competency cases, if a defendant does not meet the criteria, the mental health program may decline to accept the case. Participation in the program is voluntary, but in order to be accepted, the defendant must agree to waive the right to a trial and enter into a diversion or plea agreement with an emphasis on community based treatment. If the defendant initially asks to participate and later wants to “opt out,” the case is then handled as a regular criminal case.

Harford County's MHDP

In Harford County, a Mental Health Diversion Program (MHDP) has emerged from its planning stages in 2002 into a functioning entity in early 2004. Spearheaded by District Court Judge Mimi Cooper, the program strives to reduce the recidivism rate of offenders who commit street crimes due to mental illness and substance abuse.

“By stopping the revolving door that causes mentally ill people to spin in and out of the criminal justice system, MHDP diverts the defendant from the criminal justice system into a treatment program, replete with evaluations, medications and a network of community supports to help the defendant lead a sustainable life,” said Judge Cooper. “The success of the defendants’ treatments, we hope, will be reflected by the improved public safety, well-being of the defendants, access to public mental health treatment services and faster case processing time.”

The rehabilitative and voluntary nature of the program stands in stark contrast to the traditional method of processing cases. In MHDP, the judge, prosecutor, public

defender/private attorney, probation officer and treatment provider work as a team to encourage the defendant’s success in the program. Prior to the start of the first hearing, the team reviews the information gathered about the candidate, and at the mental health diversion bail review, works with the judge to decide whether the candidate is eligible for the program. Eligibility is limited to those arrested for nonviolent crimes.

If the judge agrees with the recommendation, the defendant is released under the supervision of a mental health professional. If the defendant agrees to the terms of his/her release, the defendant’s charges are placed on the stet docket. For those who comply with the plan, the MHDP team monitors the defendant’s progress on a monthly basis until the one-year mark, whereupon the defendant graduates from the program.

There has been a proliferation of mental health programs throughout the country in recent years, and the numbers continue to grow. At this time, there isn’t enough evidence to determine whether mental health court programs such as the ones implemented in Baltimore City and Harford County are truly succeeding in preventing recidivism, or the treatment plans are successful in helping the mentally ill offender stabilize. However, these courts join the popular drug treatment courts in representing a philosophical change from the traditional orientation of the judicial system to a hands-on “therapeutic” approach which offers much needed alternatives to incarceration.

Congratulations to...

Retired **Judge Ellen M. Heller**, who received the Anselm Sodaro Award at the Maryland State Bar Association Annual Conference in Ocean City, Md. The award, given here by Bob Krenshaw, MSBA member, is presented annually to a Maryland jurist who has exhibited excellence in judicial temperament and civility. The award is named after the late Judge Sodaro, who served on the Baltimore City Supreme Court (now the circuit court) bench for 30 years, and was well regarded for his civility and courtesy to everyone who stepped into his courtroom. Previous winners were **Judge Daniel M. Long**, **Judge Albert J. Matricciani, Jr.**, **Judge Robert Mason**, **Judge Maurice Brown**, **Judge Ann S. Harrington** and **Judge Raymond J. Kane, Jr.**



photo by Janet Eveleth