

Suffolk County Mental Health Court

Courtroom D33, Cohalan Court Complex, Central Islip NY 11722
voice (631)853-3290, fax (631)853-7419

The Suffolk County Mental Health Court is a specialized court part that seeks to craft a meaningful response to the problems posed by defendants with mental illness in the criminal justice system. Addressing both the treatment needs of defendants with mental illness and the public safety concerns of the community, the Suffolk County Mental Health Court links defendants with serious and persistent mental illnesses (such as schizophrenia and bipolar disorder) who would ordinarily be jail- or prison-bound to long-term treatment as an alternative to incarceration.

Goals

- Improve public safety by reducing recidivism of offenders with mental illness;
- Improve the court's ability to identify, assess, evaluate and monitor offenders with mental illness;
- Use the authority of the court to:
 - Link offenders with mental illness to appropriate mental health treatment and supports;
 - Ensure that participants receive high quality community-based services;
 - Engage participants in treatment;
 - Hold participants accountable for their actions; and
- Create effective linkages between the criminal justice and the mental health systems.

Key principles

To achieve these goals, the Suffolk County Mental Health Court has adapted several operating principles that have proven successful at other problem-solving courts:

- Detailed screening and assessment to create individualized treatment plans;
- Frequent judicial monitoring to keep the judge engaged with the defendant and emphasize for the defendant the seriousness of the process;
- Accountability of the defendant for his or her actions; and
- Coordination of services with a broad network of government and not-for-profit service providers to address interrelated problems that defendants face, including substance abuse, homelessness, joblessness, and serious health problems.

Mental health eligibility

- Offender must have a major mental illness such as schizophrenia, bipolar disorder, major depression or schizoaffective disorder;
- Evaluation must indicate that:
 - offender's mental illness contributed to criminal activity;
 - offender is willing to enter treatment;
 - treatment may help the offender lead a crime-free life in the community;
- Offender may have, but does not need to have, an alcohol or substance abuse disorder;
- Offender with a personality disorder but without a major mental illness is ineligible;
- Conditions such as cognitive impairment, mental retardation, developmental disabilities, brain damage and dementia are not eligible unless there is also a major mental illness;
- Offender must be 18 or older;
- Offender who refuses to enter into treatment, cooperate in the assessment process or cooperate in interviews with service providers may be found ineligible.

Suffolk County Mental Health Court

Courtroom D33, Cohalan Court Complex, Central Islip NY 11722
voice (631)853-3290, fax (631)853-7419

Criminal justice eligibility

- Felonies: All nonviolent felonies are eligible. Felonies involving assault, robbery and burglary are considered on a case-by-case basis. Other violent felonies are presumed ineligible.
- Misdemeanors: All offenses are eligible, but the court is not intended for offenders who would spend only a short amount of time in jail. Misdemeanor offenders must be willing to accept a 12-month treatment mandate and a potential jail sentence of up to one year.

Screening process

A psychiatric nurse practitioner under the supervision of a psychiatrist conducts a mental health evaluation and the assessment team from the Suffolk County Division of Community Mental Hygiene prepares a psychosocial assessment resulting in two narrative reports that give a detailed description of the candidate, including the nature of his or her mental illness, family history, education and employment experience, substance abuse history, history of treatment, and key elements of a proposed treatment plan. Mental health eligibility is determined by the court's Resource Coordinator, a licensed social worker, in consultation with the judge and the assessment team.

Identification of potential cases

Cases are referred by judges, defense attorneys, and the prosecutor. Cases where competency to stand trial has been questioned are calendared in the court once the defendant has been found fit for trial.

Decision to participate

Participation is entirely voluntary for the offender. The prosecutor has a right to deny participation to any eligible candidate. Final decision is made by the judge.

Program structure

- Treatment mandate: Misdemeanor offenders: 12 months; first-time felony offenders: 12-18 months; predicate felons: 18-24 months. Individualized treatment can include mental health treatment, substance abuse treatment, intensive community-based case management services and supported housing.
- Plea: A guilty plea is required to participate, but the plea can be vacated upon successful completion.
- Graduation: Participant must comply with treatment mandate and cannot commit any new offenses. Misdemeanants and first-time nonviolent felony offenders: guilty plea vacated and all charges dismissed. Predicate felons and first-time violent felony offenders: felony guilty plea vacated with misdemeanor plea remaining in place; violent offenders will receive probation.
- Jail/prison alternative for program failure: Sentences are determined on case-by-case basis at the time guilty plea is taken and program participation begins.
- Clinical and judicial monitoring during program participation: All participants will be required to appear in court once a week initially. As the defendant progresses, the frequency of court appearances will decrease to once every two weeks, and thereafter, to once a month. More frequent court appearances are required for noncompliant participants. The clinical staff meets with participants on every court date and more frequently as needed. The clinical staff communicates with all service providers at least weekly; providers give written monthly reports as well. The clinical team summarizes all input from providers in written summary reports at every court appearance.
- Rewards, sanctions and clinical responses: Compliance is rewarded with praise from the judge, less frequent court appearances and certificates at various stages of the defendant's program. Noncompliance may result in clinical responses (such as a change in treatment or other services), admonitions from the judge, more frequent court appearances and other sanctions that the judge feels may help motivate compliance. Short stays in jail are possible.