

**SUFFOLK COUNTY MENTAL HEALTH COURT**  
**CONTRACT**

**PRESENT:**  
**THE HON. WILLIAM G. FORD**

**THE PEOPLE OF THE STATE OF**  
**NEW YORK**

**Docket #** \_\_\_\_\_

v.

**SCI #** \_\_\_\_\_

**Defendant**

\_\_\_\_\_

**TERM OF MENTAL HEALTH COURT PROGRAM:** \_\_\_\_\_

**CONTRACT DATE** \_\_\_\_\_

**ANTICIPATED GRADUATION DATE** \_\_\_\_\_

The foregoing represents the full and complete agreement between: Suffolk County Mental Health Court Treatment Team (Treatment Team); The Office of the District Attorney of Suffolk County (DAO); The Suffolk County Probation Department (Probation);

**Defendant** \_\_\_\_\_; and

**Defense Counsel** \_\_\_\_\_.

## **L. BACKGROUND**

A. Mental Health Court is a specialized part of the Suffolk County District and County Criminal Courts. It is a court supervised program for those who have a mental illness, and who are arrested in Suffolk County on misdemeanor or felony charges.

B. Mental Health Court combines the resources of the Court, law enforcement, transitional case management, substance abuse agencies, and mental health service providers to bring effective support and intervention to individuals with mental illness.

C. The Mental Health Court Treatment Team (Treatment Team) is comprised of the Presiding Judge, Mental Health Court Coordinator, clinical staff members of the Division of Community Mental Hygiene, transitional case managers, and Probation Officers, who supervise each defendant.

D. The District Attorney's Office evaluates each defendant's criminal history and determines whether or not a defendant is legally eligible to participate.

E. The Mental Health Court Coordinator screens each defendant to make a preliminary determination of eligibility.

F. The Division of Community Mental Hygiene evaluates each defendant for mental illness and determines whether a defendant is clinically eligible to participate.

G. The Treatment Team makes a determination regarding the appropriate treatment protocol for the defendant. Treatment protocols may change as the defendant progresses in the program. The Treatment Team provides defendants with referrals for appropriate treatment. No defendant will be denied treatment due to an inability to pay.

## **II. TREATMENT PROGRAM**

A. Defendant shall remain under the supervision of the Treatment Court for a period of at least twelve months for misdemeanor pleas and eighteen months for felony pleas. During this period, the defendant shall appear regularly before the Court, submit to drug and/or alcohol screening at each court appearance, and comply with all orders and directions of the Treatment Team.

B. During the period of the Treatment Program, defendant shall be under the supervision of the Department of Probation. Defendant shall provide Probation with any change of address or telephone number within twenty-four hours of any such change.

C. Defendant shall permit a Probation Officer and/or his/her agent to search defendant, defendant's vehicle, and defendant's place of abode, where such place of abode is legally under defendant's control. Probation may seize any illegal drugs, drug paraphernalia or implements, or any illegal or illicit items found during a search. Any such search and seizure could result in additional criminal charges filed against the defendant.

D. The defendant shall comply with The Conditions of Supervision, attached hereto and incorporated and made a part of this Mental Health Court Contract.

E. Defendant shall participate in the individualized treatment protocol recommended by the Treatment Team, and conduct himself/herself in accordance with the rules of the treatment or counseling agency.

F. Defendant shall notify the Treatment Team of any medications that are prescribed or recommended for any medical condition.

G. Defendant shall appear before the Court as directed, and keep the Court apprised of his/her progress in treatment. The Court shall provide to the defendant a written reminder of the next scheduled court appearance.

H. After leaving a sober house, in-patient treatment facility, or treatment program, defendant shall appear in court on the next possible court date. This provision shall apply whether the defendant leaves voluntarily or is asked to leave the sober house, in-patient treatment facility, or treatment program.

I. The Treatment Team will meet regularly for treatment conferences to discuss defendant's on-going progress and participation in the program. Conferences may include treatment providers or staff members from treatment agencies.

J. Defense Counsel may attend the treatment conferences with respect to his or her client only, at his or her discretion. Any non-attendance by defense counsel shall be deemed a waiver of counsel's participation for that particular conference.

K. Defendant and/or defense counsel shall notify the Treatment Team within twenty-four hours of any new arrest. Failure to disclose any new arrest may result in modification to this Agreement or termination of defendant from the Treatment Program.

L. The Court may impose sanctions upon the defendant for positive drug or alcohol screenings, missed treatment appointments, failure to appear in court as directed, bench warrants, or any other violation of the Treatment Program. Sanctions include, but are not limited to, increased appearances before the Court, increased supervision by Probation, monitoring devices, bench warrants and remand to jail, or in other than ordinary circumstances, additional time added to the break-out sentence of no more than sixty days, at the discretion of the Court.

- M. Any condition imposed for the treatment and supervision of the defendant may be modified or changed, after consultation with the Judge and the Mental Health Court team, should a material change in circumstances occur.

### **III. WAIVERS AND RELEASES**

A. Defendant shall execute any and all written authorizations required for the release of medical, psychological, psychiatric, academic, and/or judicial records requested by the Treatment Team, and/or any treatment or other resource provider.

B. Defendant shall waive any right to revoke authorizations for the release of records. Attempted revocation shall be deemed a breach of this Agreement which may subject the defendant to sanctions including possible termination from the program.

C. Defendant shall waive his/her attorney-client privilege with respect to medical, psychiatric, psychological, and social/familial information relating to defendant's treatment.

D. Defendant hereby waives his/her attorney's appearance at court appearances and treatment conferences while the defendant is participating in the Treatment Program. However, this waiver shall in no way affect defense counsel's obligation to represent the defendant at defendant's sentencing proceeding.

### **IV. TERMINATION**

#### **A. SUCCESSFUL COMPLETION OF MENTAL HEALTH COURT:**

1. Defendant will be eligible to complete Mental Health Court after the agreed upon period of time has expired, i.e., after a minimum of twelve or eighteen months as agreed upon and indicated above.

2. Defendant's successful completion is determined by the Treatment Team, based upon defendant's achievement of his/her goals during the Treatment Program period. Treatment goals include stabilization of medications, maintaining a drug and crime free life, rebuilding ties to family and community, developing job skills or a trade, completing a GED and/or pursuing higher education, and feeling a personal sense of purpose and well-being.

3. If the defendant has a co-occurring disorder of alcohol/drug addiction in addition to his or her mental illness, then he/she must have at least six consecutive months of negative drug and alcohol screenings prior to completing the Court. This period of negative screenings must immediately precede defendant's completion.

4. Successful completion shall result in defendant being sentenced to the agreed upon plea and sentence as outlined in Table 1.

#### B. FAILURE TO COMPLETE PROGRAM: BREAK-OUT

1. Failure to complete the Treatment Program will result in defendant being sentenced to the agreed upon break-out sentence as outlined in Table 1.

2. Should the Treatment Team determine that defendant is unable to successfully continue in the Treatment Program for reasons other than those enumerated below in paragraph IV(B)(5) below, the Treatment Team may request that the defendant be sentenced to his/her break-out. Defendant is entitled to a hearing, at which he/she may be heard, to allow the Court to determine whether defendant may continue in the Treatment Program.

3. Should the defendant, after a good-faith effort at treatment and rehabilitation, be unwilling to continue in the Treatment Program he/she may request to be sentenced to the break-out.

4. Any new arrest of the defendant may be grounds for immediate termination of the defendant from the Treatment Program and imposition of defendant's break-out sentence.

5. Should the Treatment Team determine that the defendant is unable to continue in the Treatment Program due to medical, psychological, or other disqualifying conditions that were unknown when the defendant entered this agreement, the defendant will be allowed to withdraw his/her guilty plea and have the case transferred to a regular trial part for disposition.

**TABLE 1: PLEA AND SENTENCE AGREEMENT**

DOCKET OR SCI NUMBER	PLED GUILTY TO	IF SUCCESSFUL CHARGE TO BE REDUCED OR REMAIN THE SAME	AGREED UPON JAIL SENTENCE IF UNSUCCESSFUL (BREAKOUT)	RESTITUTION AMOUNT TO BE PAID PRIOR TO COMPLETION

**DOCKETS TO BE DISMISSED IN SATISFACTION AT SENTENCING:**


NOTES: \_\_\_\_\_

**V. ACKNOWLEDGEMENTS**

The defendant acknowledges and agrees that he/she:

A. Is represented by counsel and has fully discussed the plea and sentence agreement negotiated on his/her behalf and outlined in Table 1.

B. Understands the nature of the plea and the important constitutional rights he/she is giving up and waiving by entering a plea of guilty.

C. Wishes to avail himself/herself of the services of the Mental Health Court in order to gain the benefits of the treatment and counseling programs offered therein.

D. Has entered a plea of guilty as negotiated by counsel, and hereby waives any and all statutory and constitutional objections to the delay in pronouncing sentence.

E. Requests the Court defer sentencing so that defendant may participate in the Mental Health Court.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Assistant District Attorney

\_\_\_\_\_  
Defense Counsel

\_\_\_\_\_  
Judge