


2019 Citizen's Academy

Collaborative Courts

Presented by Supervising Public Defender Ryan Raftery and Supervising Deputy District Attorney Chris Carlson



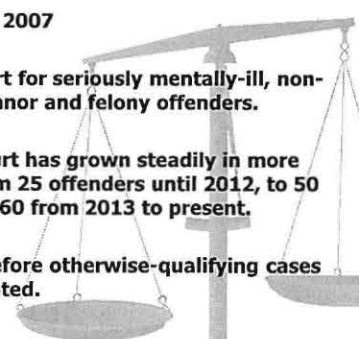
Sacramento Collaborative Courts

- DUI Treatment Court - November 2017
- Co-Occurring Mental Health Court- January 2016. Grant ended April 2018. But we still utilize name for 2nd day of MHC
- RESET (Reducing Sexual Exploitation and Trafficking) Court – June 2015
- Veterans Treatment Court, July 2014
- Reentry Court, July 2013
- Mental Health Court 2007
- Drug Court 1995




Mental Health Court

- Established by in 2007
- Diversionary court for seriously mentally-ill, non-violent misdemeanor and felony offenders.
- Population of court has grown steadily in more recent years; from 25 offenders until 2012, to 50 in July 2012, to 160 from 2013 to present.
- At capacity, therefore otherwise-qualifying cases may not be accepted.



Offenses

- Felony or misdemeanor
- Can involve threats of violence, violence or use of weapon (not guns)
 - Usually victims are family members/caregivers/roomates
- Not charged with sex offense
- Case-by-case exceptions granted by DA, e.g. victim is supportive of treatment.



Offenders

- **Axis I serious mental illness, e.g. Schizophrenia, Bipolar Disorder, PTSD**
- **Diagnosis documented.**
- **Jail Psychiatric Services (JPS), County Behavioral Health important links; families also.**

Connected to Services

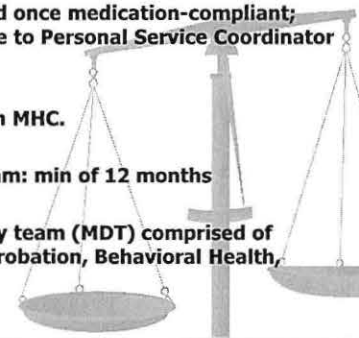
- **Must be linked to Authorized Treatment Provider; contracted by County Behavioral Health.**
- **Turning Point Pathways**
- **Turning Point Integrated Services Agency**
- **Transitional Living & Community Service (TLCS)**
- **Sierra Elder-Wellness Program (El Hogar)**
- **Telecare-Sacto Outreach Adult Recovery (SOAR)**
- **Transitional Community Opportunities for Recovery and Engagement (T-CORE)**

- **Many will already be/will have been a client of approved provider.**
- **Some may not be at a sufficient "level of care" for MHC; Behavioral Health can be asked to re-assess.**
- **Lower-level providers, including private insurance, may be accepted by MHC on case-by-case basis.**


Once in MHC

- **Def enters plea and sentenced in MHC.**
- **Jail/prison time suspended; 3 or 5-year formal probation.**
- **Take medication, as prescribed. Attend counseling.**
- **No illegal drugs. No marijuana. No alcohol. Search terms.**

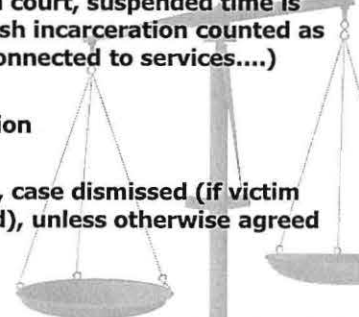
- Def only released once medication-compliant; specific day/time to Personal Service Coordinator (PSC)
- Appear weekly in MHC.
- Length of program: min of 12 months
- Multi-disciplinary team (MDT) comprised of judge, DA, PD, probation, Behavioral Health, PSC's.



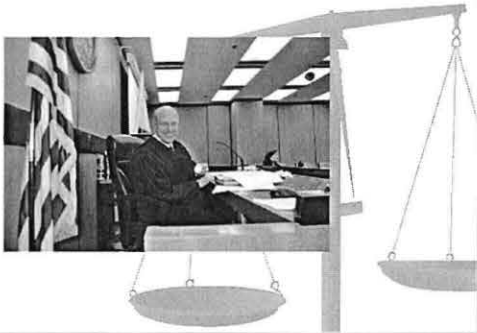
- Court based on "therapeutic jurisprudence"
- Promote mental health treatment via rewards (praise, gift cards, less-frequent court appearances) and sanctions (stern talk, more frequent appearances, more classes, remands)
- MDT meeting frames in-court remarks by judge.
- Once in session, participants called up one-by-one



- If deleted from court, suspended time is served; any flash incarceration counted as credits. (still connected to services....)
- Goal: Graduation
- Withdraw plea, case dismissed (if victim restitution paid), unless otherwise agreed at sentencing.



And there are *cupcakes!*...

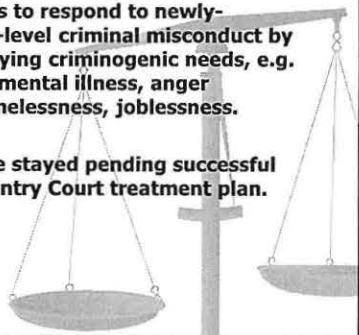


Reentry Court

- Collaborative court targeting offenders released from state prison and county jail prison.
- Established July 2013.

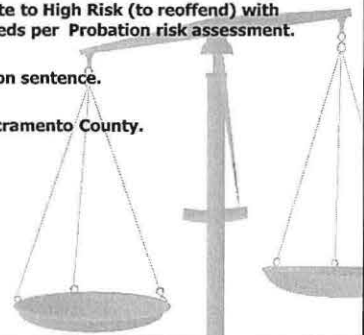


- Purpose of court is to respond to newly-committed, lower-level criminal misconduct by addressing underlying criminogenic needs, e.g. substance abuse, mental illness, anger management, homelessness, joblessness.
- Incarceration time stayed pending successful completion of Reentry Court treatment plan.



The Offender

- Offender is a Moderate to High Risk (to reoffend) with Moderate to High Needs per Probation risk assessment.
- Minimum 3 year prison sentence.
- Legal resident of Sacramento County.



The Offense

- **Current offense is non-violent, non-serious, and non-sexual.**
- **Offender is eligible for County Jail Prison, i.e. does not have a strike conviction.**
- **As of 6/5/18, 34 active defendants.**
- **For the past 2 years offenders with strike priors have been accepted on a case by case basis**


Arrival in Reentry Court

- **Re-entry Court Multidisciplinary Team (MDT) comprised of Probation, DA, PD and Court, will discuss eligibility and whether to accept the defendant into Re-entry Court prior to call of calendar; all must concur.**
- **If not accepted, will be allowed to be sentenced to the alternative sentence.**

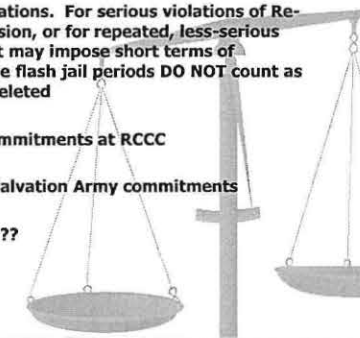
If accepted...Before release from Jail

- **Address is verified**
- **Contract signed**
- **Defendant is sentenced. County Jail Prison sentence is executed but suspended and defendant is placed on probation for 5 years. Among other conditions, participant is ordered to report to and complete the ADRC program, or other program as specified.**
- **Defendant released OR, typically on the following Monday morning, with directive to report to ADRC that day.**



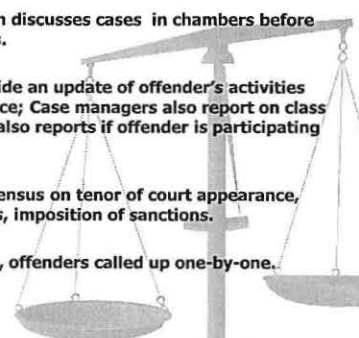


- Participation in the program will at minimum last 12-18 months.
- Upon acceptance into Re-entry Court, offender will appear weekly in Re-entry Court until MDT agrees to less frequent appearances based on candidate's successful participation.
- Rewards (e.g. less frequent appearances) & sanctions (e.g. Probation-imposed work project) used to promote compliance with treatment plan.



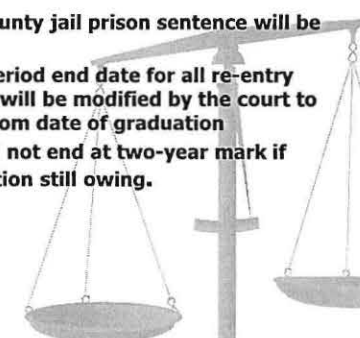
- Jail – flash incarcerations. For serious violations of Re-entry Court supervision, or for repeated, less-serious violations, the court may impose short terms of incarceration. These flash jail periods DO NOT count as credits if they are deleted
- 4-5 month HALT commitments at RCCC
- 6 month to 1 year Salvation Army commitments
- Open to new ideas???

Thursday Calendar



- ▣ Reentry Court Team discusses cases in chambers before court session starts.
- ▣ Probation will provide an update of offender's activities since last appearance; Case managers also report on class participation; VOA also reports if offender is participating in VOA.
- ▣ Team reaches consensus on tenor of court appearance, granting of rewards, imposition of sanctions.
- ▣ Once session starts, offenders called up one-by-one.

Graduation



- The executed county jail prison sentence will be recalled
- The probation period end date for all re-entry court graduates will be modified by the court to end two years from date of graduation
 - Probation will not end at two-year mark if victim restitution still owing.



Veteran's Court

- Team includes court, DA, Public Defender, Probation and Office of Veteran's Affairs (Veteran Justice Outreach)
- Eligible participants—
 - Veteran's eligible for VA benefits
 - Offense committed due to sexual trauma, traumatic brain injury, PTSD, substance abuse, or mental health problems **STEMMING** from service in the US Military

Disqualifiers

- No sex offenses, arson, violent felonies
- No active gang activity
- No serious felonies, although exceptions can be made by DA
- If participant commits new offense in the program, they **MAY** be excluded

Treatment

- 12-18 month program
- Peer Mentor will be assigned to each veteran (staffed by volunteer veterans)
- Treatment provided by Veteran's Affairs
 - PTSD
 - Drug and/or alcohol
 - Other mental health needs
 - Housing needs
 - Career and educational pursuits

Graduation

- Participants must make regular court appearances
- Remain in program 12-18 months
- Successful graduation, the participant may withdraw their plea and have the case dismissed
- If not allowed to withdraw plea, the jail/prison term is vacated or felony may be reduced to misdemeanor

Prop 36

- Drug treatment proposition passed in 2000
 - All who are statutorily eligible allowed in
- Not based on Evidence Based Practices
- Our Probation Department in conjunction with PD, DA, and ADS has refined program in the last year

ADULT DRUG COURT

CELEBRATING 20 YEARS
1995-2015
Excellence in Rehabilitation

Early Years	Today
<p>The First Drug Court Judge The Honorable Gerald B. Bakstein</p> 	<p>Chief Judge with Drug Court Judge The Honorable Loreen D. White A Yoga Instructor Presents Awarding</p> 
<p>Drug Court Staff 1995</p> 	<p>Drug Court receives their 20th Anniversary Celebration from the Board of Supervisors</p> 
<p>Drug Court Staff 2015</p> 	<p>Justice David Delivered to Drug Court instead of the Ball Room, the Municipal Park</p> 

ADULT DRUG COURT

Supporting Positive Change



- Opened in 1995 in Sacramento.
- Probation, the District Attorney, Public Defender or defense attorney and the assigned judge work together collaboratively.
- Clients attend Court regularly, and the assigned judge individually reviews their progress.
- Clients receive incentives for positive behavior and graduated sanctions including short periods of incarceration for failing to comply with rules and drug testing requirements.
- Services include counseling, yoga, nutrition, mental health services.

Who is Eligible?

- Drug Court unlike Prop 36 is NOT a mandated program. It is a privilege not a right.
- Non-violent drug possession (felony and misdemeanor).
- Violations of probation.
- Certain drug-related & property crimes (felony & misdemeanor).
- Residential burglary on a case by case basis.

Who is not eligible?

- Past Drug Court Client on a case by case basis
- Past Drug Sales convictions on a case by case basis. HS 11379/11352 will not disqualify if only for personal use for pre 2014 priors.
- Guns, weapons, violence or prior serious or violent felony conviction, Violent misdo, DV misdo, weapon misdemeanor, VC 2800.2 and 1st Degree Burglary on case by case
- New disqualifying conviction after intake
- FTA for 60 days
- Outstanding warrant or hold (unless easily cleared)
- Sex/Arson registrant (290 or 457.1 PC)
- Low Risk will accept referral but entry is subject to moderate to high risk LSCMI score – it is an AB 678 funding requirement

Graduation

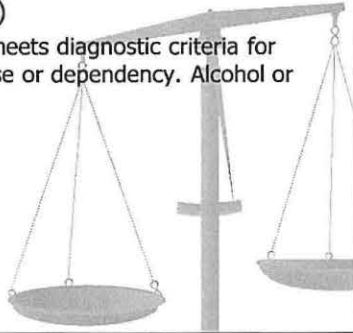
- 10 months minimum to graduate
- Case gets dismissed
 - Unless victim restitution is not paid, or
 - Agreement made as part of plea not to dismiss case

DUI Treatment Court

- Eligibility
 - 1. A defendant who has 2 or 3 prior misdemeanor DUI convictions within a 10 year period. (Currently charged with a 3rd DUI (misdemeanor) or 4th DUI (felony))
 - 2. Participant must be a resident of Sacramento County
 - 3. Participant must be amenable to treatment and voluntarily agrees to participate in the DUITC

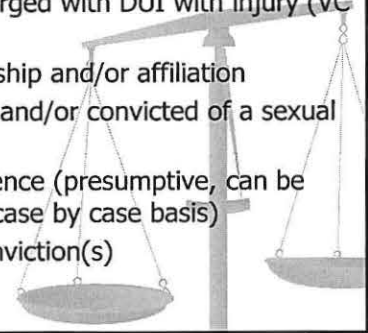
DUI Treatment Court

- Eligibility (con't)
 - 4. Participant meets diagnostic criteria for substance abuse or dependency. Alcohol or drug or combo



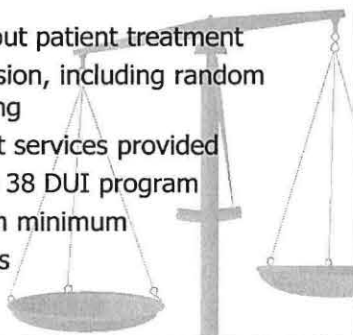
DUI Treatment Court

- Who is Not Eligible
 1. Defendant charged with DUI with injury (VC 23153)
 2. Gang membership and/or affiliation
 3. 290 registrant and/or convicted of a sexual offense
 4. History of violence (presumptive, can be considered on a case by case basis)
 5. Prior strike conviction(s)



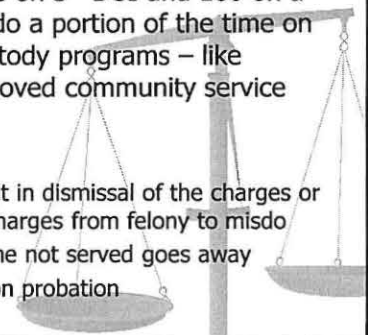
DUI Treatment Court

- Inpatient and/or out patient treatment
- Probation Supervision, including random alcohol/drug testing
- Case management services provided
- Must complete SB 38 DUI program
- 18 month program minimum
- Pay minimum fines



DUI Treatment Court

- Serve 120 days on 3rd DUI and 180 on a 4th DUI – can do a portion of the time on alternative custody programs – like Probation approved community service best
- Graduation
 - Does not result in dismissal of the charges or reduction of charges from felony to misdo
 - Suspended time not served goes away
 - They remain on probation



Any Questions

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