



# OFFICE OF THE DISTRICT ATTORNEY

## CALAVERAS COUNTY

BARBARA M. YOOK  
DISTRICT ATTORNEY

August 16, 2021

Ellen Leonida  
Braunhagey & Borden, LLP  
[leonida@braunhagey.com](mailto:leonida@braunhagey.com)

Re: California Public Records Act Request

Dear Ellen Leonida,

I am writing in response to your July 23, 2021, request for records pursuant to the California Public Records Act ("CPRA"), read on Monday, July 26, 2021. On July 30, 2021, I extended the response time to August 16, 2021, pursuant to Government Code, section 6253, subdivision (c). You requested the following records:

1. Any and all written policies, memoranda, or guidance documents regarding:
  - a. Diversion eligibility and/or programming;
  - b. Custody and/or bail recommendations;
  - c. Charging recommendations and/or decisions, including, but not limited to:
    - i. Charging recommendations and/or decisions regarding enhancements;
    - ii. Charging recommendations and/or decisions regarding special circumstances; or
    - iii. Charging recommendations and/or decisions regarding wobblers;
  - d. Compliance with *Brady v. Maryland*, 373 U.S. 83 (1963);
  - e. Jury selection;
  - f. Sentencing recommendations;
  - g. Prosecution of minors;
  - h. Parole recommendations;
  - i. Pardon and commutation recommendations;
  - j. Reports to the State Bar relating to discipline and/or prosecutorial misconduct;
  - k. Data collection relating to criminal matters, including demographic data of defendants and victims; or
  - l. Referral of cases for federal prosecution.

2. Any and all policies regarding training as well as any training materials, recorded trainings, or related materials:
  - a. Which are mandatory for prosecutors;
  - b. Which are optional for prosecutors;
  - c. Which relate to jury selection;
  - d. Which relate to bias, implicit bias, unconscious bias, and/or racism; or
  - e. Which relate to presentation and/or use of evidence from social media platforms (including but not limited to YouTube, Snapchat, Instagram, TikTok, Twitter, Facebook, Reddit and Tumblr) and other media (including but not limited to movies, song lyrics, and videos).
3. Records concerning the Racial Justice Act:
  - a. Implementation of and compliance with the RJA;
  - b. Communications concerning the RJA; or
  - c. Trainings related to the RJA.
4. All investigations into *Batson-Wheeler* motions, including, but not limited to:
  - a. Motions filed;
  - b. Motions granted;
  - c. Internal training and/or discipline; or
  - d. Reports to the State Bar relating to any *Batson-Wheeler* motions made and granted.

This office has conducted a reasonable search for the records you requested. Attached to this letter are 46 pages of responsive records.

Regarding item #1 of your request, attached are the "Policies and Procedures" for Calaveras County "Mental Health Court," the "Veterans Pretrial Diversion Case Flow Chart," and the Victim Witness/Victim Services "Reporting Requirements" promulgated by the California Governor's Office of Emergency Services; this office did not locate any other policies requested.

Also attached is an April 13, 2020, memorandum addressing bail; this office did not locate any other memoranda requested.

As you know, the PRA entitles the public to records “upon a request . . . that reasonably describes an identifiable record or records[.]” (Gov. Code, § 6253, subd. (b).) The request must be “specific and focused.” (*Roger v. Superior Court* (1993) 19 Cal.App.4th 469, 481.) With respect to your request for “guidance documents,” this phrase is vague. To assist you in effecting your request,<sup>1</sup> this office is interpreting the phrase broadly to mean documents propagated by this office that advise prosecutors on how to represent the People in the particular aspects of litigation you identified. As such, they would be exempt from disclosure as work product, under the common interest doctrine, as preliminary drafts or notes, and/or as official records, non-disclosure of which clearly outweighs the public interest served by disclosure (see Gov. Code, §§ 6254, subds. (a) & (k), 6255, subd. (a)). This office therefore respectfully denies your request for these records.

Regarding item #2 of your request, this office did not locate any policies requested. With respect to training, the county mandates certain training for prosecutors in their capacity as county employees, not as counsel for the People in criminal proceedings. In light of the stated purpose of your request to “implement and realize the objectives of the RJA,” this office is interpreting your request about training to mean training relating to prosecutorial function. Because the county training does not appear relevant to your request, those materials are not attached.

With respect to training for prosecutors in their capacity as such, our office is relatively small, comprising eight prosecutors and only basic support staff. Given our limited resources, we outsource all legal training, primarily to the California District Attorneys Association (CDAA). Therefore, any training materials responsive to your request are those obtained from CDAA.

I understand your position is that this office can give CDAA training materials to you, notwithstanding federal copyright law. I cannot agree. Third-party copyright is not merely a PRA exemption this office may assert, but a prohibition against reproduction or distribution of the copyrighted material. (See 17 U.S.C. §§ 101 et seq., 102, subd.(a), 106, subds. (1), (3).) Moreover, the training materials obtained from CDAA are exempt from disclosure as work product under the common interest doctrine. (See Gov. Code, § 6254, subd. (k); Evid. Code, §§ 912, 954.) This office therefore respectfully denies your request for these records.

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<sup>1</sup> (*Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, 1419.)

In an effort to assist you in effecting your request, however, this office has identified CDAA trainings attended by our prosecutors that might have addressed the subject matters of your request:

- January 2015 Elimination of Bias in the Legal Profession
- April 2017 California High Tech and Digital Evidence Symposium
- November 2017 Jury Instructions – Ethical Hotspots Webinar
- November 2017 Eliminating Bias in Immigration Relief Litigation Webinar
- December 2017 New Laws for Prosecutors Webinar
- February 2018 Trial Advocacy Skills Workshop
- September 2018 Evidence Seminar
- September 2018 New Prosecutors Seminar
- January 2019 Trial Advocacy Skills Workshop
- December 2019 Felony Prosecutor Academy
- March 2020 Trial Advocacy Skills Workshop
- March 2020 Tech Tools in the Courtroom
- July 2020 Prosecuting Domestic Violence Misdemeanors: a Mini-Series
- September 2020 Voir Dire 101
- October 2020 Entering Evidence, Foundation and Authenticating Evidence
- November 2020 Trial Preparation/Felony Trial A-Z
- December 2020 Evidence Seminar
- March 2021 Jury Selection/Voir Dire/AB 3070
- May 2021 Recognition and Elimination of Bias

I encourage you to contact CDAA directly about materials related to these trainings. CDAA's Publications Director is Laura Bell.

Regarding item #3 of your request, the only responsive document this office located was a portion of the 2020 CDAA Legislative Digest addressing The California Racial Justice Act of 2020. (See Cal. Dist. Atty. Assn. Legis. Dig. (2020) The California Racial Justice Act of 2020, p. 54.) The author(s) of that publication expressly reserved the rights to reproduction and publication of that writing. This office is thus prohibited from reproducing or distributing that material. (See 17 U.S.C. §§ 101 et seq., 102, subd.(a), 106, subds. (1), (3); Gov. Code, § 6254, subd. (k).)

Regarding item #4 of your request, this office did not locate any records of “investigations into *Batson-Wheeler* motions.” To the extent you mean to ask for all cases in which such a motion was filed, the office does not have a way of searching for that information, apart from a physical search of every file dating back to 2015, which would be unduly burdensome and unreasonable. (See *California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166; *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440, 453.) A reasonable search disclosed no cases since 2015 in which a *Batson/Wheeler* motion was granted, and hence, no discipline or reports to the State Bar on the subject. No “[i]nternal training” records exist because, as I mentioned earlier, this office outsources its legal training.

This office endeavors to provide access to records of the conduct of the People’s business. We reserve the right, however, to maintain the lawful confidentiality of our records, and to claim, enforce, and apply any and all applicable exemptions, privileges, and proscriptions against public disclosure of records, including, but not limited to, those listed in Article 2 of Government Code, Title 1, Division 7, Chapter 3.5; the California Evidence, Civil Procedure and Penal Codes; the Federal Rules of Evidence; 17 U.S.C., § 101 et seq.; and those established by case law.

Thank you for your interest in the criminal justice system. You are welcome to contact me should you have any questions.

Sincerely,



Barbara M. Yook  
District Attorney

# **Calaveras County Mental Health Court**

## **Policies and Procedures**

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## **Purpose of Mental Health Court**

Calaveras County Mental Health Court, one of the Calaveras County Collaborative Court Programs (Drug and Veterans' Courts), is part of the problem-solving court movement. It is seen as a promising approach in bringing stability, sobriety, and safety to defendants with mental illnesses while helping to ensure the security and well-being of the entire community.

Mental Health Court is an intensive program designed to evaluate, monitor, and provide coordinated and comprehensive mental health services, integrated treatment for mental health and substance use disorders, and ancillary services for severely mentally ill (SMI) defendants whose SMI behavior led to being charged, with, convicted of, or on probation for a misdemeanor or felony offense and Medi-Cal eligible. In addition, its goals are to improve outcomes for individuals and the community, including increased public safety, a reduction in recidivism, a reduction in abuse of alcohol and illegal drugs, and a reduction in the burden on law enforcement and other county resources.

The Mental Health Court program draws on the expertise and cooperation of the Calaveras County Superior Court; the Calaveras County Office of the District Attorney; Public Defender's Office, Calaveras Behavioral Health Services (BHS), Probation, and Social Services; the Calaveras County Sheriff's Department and other local law enforcement agencies; local advocacy and support agencies; and private providers of mental health, substance abuse, and ancillary services.

## **Eligibility**

Mental Health Court is an approximately one-year or longer voluntary program for defendants who have a serious mental illness (SMI) and those who have a co-occurring substance use disorder (COD) whose SMI behavior led to being charged with, convicted of, or on probation for a misdemeanor or felony offense or on post release community supervision for a felony offense or on mandatory supervision that qualify for Calaveras Behavioral Health Services and who are Medi-Cal eligible. Persons may be eligible if they:

- Are qualified to receive Calaveras Behavioral Health mental health services under the terms of the Calaveras County Mental Health Court Protocol (See Appendix A)
- Demonstrate that mental illness is a significant contributing factor that brought the defendant to the attention of the criminal justice system, and specifically those who have a history of repeated offenses related to their mental health problems.
- Are considered suitable candidates for and are willing/amenable to receiving mental health and other services
- Are eligible for formal/ informal probation
- Are eligible while on post release community supervision
- Are eligible while on mandatory supervision
- Are able to appreciate the consequences of the legal proceedings and the agreement s/he is making with the court
- Are diagnosed with a *DSM V* disorder (a common language and standard criteria for the classification of mental disorders, which include clinical syndromes such as depression, schizophrenia, and bipolar disorder)
- Are 18 years of age or older
- Are a Calaveras County resident or intend to remain in the county for the length of the

probation order

## **Mental Health Court Orientation**

Prior to acceptance to Mental Health Court, the Mental Health Court Team will schedule an orientation for the prospective participant to observe the Mental Health Court proceedings for a period of no less than four weeks.

The orientation will include expectations and requirements, rewards and sanctions, responsibilities of the Mental Health Court Team members, and the Mental Health Court procedures.

An Orientation period of four weeks is required to be considered for Mental Health Court. If you choose to participate you will be required to adhere to the following terms and conditions:

- Report to your assigned case worker and the Probation Department.
- Provide your address and phone number to your case worker and the Probation Department.
- Abide by the reasonable directions of the Mental Health Court Team.
- Attend group as directed by the Mental Health Court Team.
- Stay in contact as directed with the Mental Health Court Team.
- Find stable housing in Calaveras County.
- Take all medication(s) as prescribed.
- Do not use or possess controlled substances or marijuana.
- Do not consume or possess alcohol.
- Submit your person for testing at the direction of the Probation Department.

The following terms and conditions may be imposed on a case by case basis:

- Monitoring by a SCRAM Unit
- Monitoring by an Electronic Monitoring Device.
- Not associate with specific identified individuals.

During this Orientation period you will be required to adhere to all the terms of the Mental Health Court Program. This is a period of time for you to demonstrate your desire to participate in the program and the Team will determine your suitability. Failure to adhere to Orientation Terms and Conditions may result in your arrest by a peace officer or probation officer or the revocation of an own recognizance agreement.

## **Participant Agreement**

The participant will sign necessary forms, including: *Consent for the Release of Confidential Information, Agreement to Participate in Mental Health Court, and Acknowledgement of Mental Health Court Procedure*. These forms must be completed and submitted to the Court at the time of sentencing. The applicant will be provided with the “*Guidelines for Participants*” information sheet.

Signed, witnessed, and complete documents must be on file with the Calaveras County Superior Court to participate in the Mental Health Court program.

## **Progressing Through Mental Health Court**



Mental Health Court consists of phases that include judicial oversight, probation supervision, individual Recovery Plan requirements, possible drug testing, and rewards and sanctions. Each phase is designed to build upon the skills acquired in the previous phase, allowing participants to better manage their mental illness and substance abuse (where applicable) and fostering stable, independent living. As a participant moves through the phases of the program, s/he is evaluated and promoted based on successful completion of each phase

- **Intake/Screening Expectations**

Participant will:

- Meet with Behavioral Health Services Case Manager and other members of the Mental Health Court Team
- Read the *Guidelines for Participants*
- Appear in Court as scheduled
- Enter into the *Agreement to Participate in Mental Health Court*
- Agree to keep scheduled appointments
- Adhere to all court ordered conditions of release which may include random drug testing
- Complete necessary intakes/assessments

- **Individual Recovery Plan**

All persons participating in Mental Health Court will have an individual Mental Health Court Recovery Plan, which will be recovery-oriented, strength-based, and designed with input from the participant and his/her family and support network. This plan will be based on the clinical treatment plan and the goals created with the client's Full Service Partner (FSP).

The Mental Health Court Recovery Plan is a flexible plan, subject to revision as goals are achieved or modified. Modifications to each person's plan may be made at the discretion of the Mental Health Court Team.

Members of the Mental Health Court Team will be provided with a copy of each participant's individualized Recovery Plan.

***Because all Recovery Plans are individualized, the requirements may vary. This is a general guideline and is subject to modification by the Mental Health Court Team and Mental Health Court Judge.***

The Mental Health Court Recovery Plan may include or address:

- Documents completed at intake (see above)
- Intake assessment including mental health evaluations
- Terms of probation
- Individual goals
- Treatment strategies
- Prior criminal history, fines, fees

- **Overview of Phases:**

Participant need to agree to fully engage in all three phases, and after care as part of the Mental Health Court Program. Each phase lasts approximately four months. If more time is needed to adequately complete any of the phases, it will be up to the Judge with a recommendation from the Mental Health Court Team as to the additional time allowed, or possible termination of the program. If needed, the individual will move back phases or be terminated from the program if not meeting the goals of their agreed upon individual recovery plan.

It is important to stress that the participant agrees to stop their drug and alcohol use as part of his/her Recovery Plan from the inception of participating in Mental Health Court program.

- **Phase I Expectations**

Participant will adhere to individualized Mental Health Court Plan, based on consultation between participant and Mental Health Court Team, which *may* include specific, measurable goals related to some of the following:

- Keeping scheduled appointments, including court appearances
- Meeting with and keeping appointments with Probation Officer
- Meeting with Behavioral Health Staff as stated in the Recovery Plan
- Adhering to medication regimen agreed to with psychiatrist
- Attending individual counseling
- Attending group counseling
- Attending self-help/community support
- Meeting expectations regarding drug/alcohol use, as appropriate
- Cooperating with chemical testing on a random basis, if appropriate
- Having no new arrests
- Demonstrating willingness to remain in the program
- Accepting and completing community service as ordered by court
- Participating in education/vocational training and/or employment assistance
- Improving psycho-social functioning
- Participating in psycho-education classes
- Psycho-education for families and friends as feasible
- Meeting other expectations identified by the Mental Health Court Team.

- **Benchmarks for Moving to Phase II**

Participant has adhered to his/her individualized Mental Health Court Recovery Plan for at least four months, including being willing to work with substance abuse issues to clarify the nature of the participant's difficulties, if any.

Participant and Mental Health Court Team have developed measurable, stage-appropriate behavioral expectations including those related to drug/alcohol issues in Phase II, if appropriate.

Participant has recently completed the Participant Interim Questionnaire.

- **Phase II Expectations**

During Phase II the individualized Mental Health Court Recovery Plan will include the same kinds of elements outlined in Phase I, with the expectation that the participant will achieve a higher level of proficiency at meeting specifically identified, measurable goals.

- **Benchmarks for Moving to Phase III**

Participant has adhered with reasonable consistency to the specific goals of his/her individualized Phase II Mental Health Court Plan for at least four months, and during Phase II the Mental Health Court Team and participant have agreed on goals and chosen specific measurable behaviors to target in Phase III.

Participant has made an effort to pay outstanding fees and fines

Participant has recently completed the Participant Interim Questionnaire.

- **Phase III Expectations**

The individualized Mental Health Court Recovery Plan will include the same kinds of elements outlined in Phase II. The participant is expected to demonstrate a higher level of proficiency at meeting specifically identified, measurable goals, including the skills learned in the earlier stages of the Mental Health Court Program.

- **Graduation Requirements**

Participant has adhered with reasonable consistency to the specific goals of his/her individualized Phase III Mental Health Court Recovery Plan for at least four months, including:

- Has attended all required court sessions.
- Has complied with terms of probation.
- Has shown appropriate progress in reaching drug and alcohol use goals.
- Has made all payments or performed all community service hours required for Mental Health Court participants.
- Compliant with medications as ordered by a licensed physician.
- Has addressed outstanding matters in the criminal justice system.
- Has completed a Relapse Prevention Plan or Exit Plan, which recognizes triggers for old patterns of thinking and improved ways of addressing them.
- Has the means to address food, clothing, and shelter.
- Aftercare

*Aftercare is recognized as a critical part of success once an individual has left the supervision of the Mental Health Court. The Mental Health Court Team will facilitate links with public and community-based sources of assistance for aftercare.*

### **Incentives for Successful Progress**

Incentives will be tailored to each participant and reflect their changing needs as they progress through the program. Incentives may include:

- ❖ Restoration of lost privileges
- ❖ Vouchers, passes, gift certificates, pending funding available.
- ❖ Assistance with housing, job training, employment and transportation

- ❖ Graduation certificates and other tokens of success
- ❖ Possible reduction of fine
- ❖ Possible reduction of charges
- ❖ Possible dismissal of charges under the terms of P.C. §1203.4 or §1203.4a

## **Sanctions**

*Sanctions should only be imposed after careful consideration of the participant's capacity to understand consequences.* They should be considered as part of the Mental Health Court Plan. They may include, but not limited to:

- ❖ Reprimands from the Judge
- ❖ Increased frequency of meetings with Mental Health Court Team members
- ❖ Increased contact with Behavioral Health Staff
- ❖ More frequent court appearances
- ❖ Writing an essay
- ❖ Imposition of curfew
- ❖ Termination from Mental Health Court program
- ❖ Incarceration

## **Mental Health Court Operating Policies**

### **• Systems Cooperation and Conflict Resolution**

Consensus through dialogue will be the primary means for achieving systems cooperation. Direct contact will be maintained with key players who may be unable to attend any of the various meetings called on behalf of the program. The Mental Health Court Team will address disagreements regarding Recovery Plans. The Mental Health Court Steering Committee will not work directly with clients, but instead will be responsible for program monitoring and evaluation review.

### **• Violations of Probation and New Law Violations**

A new law violation resulting in a new criminal case may disqualify a Mental Health Court Participant from continuing in the Mental Health Court Program. A new law violation will be handled during the normal criminal calendar. The participant has all the same rights he/she is entitled to regarding the new law violation.

Formal violations of probation by the Mental Health Court Participant will be handled during the Mental Health Court calendar. The Participant has the right to defense counsel and a formal order to show cause hearing. If the Participant is found in violation of the Mental Health Court terms and conditions, the Mental Health Court Team will make a recommendation to the Mental Health Court Judge regarding continuation in the program. The Mental Health Court Judge will have the final decision regarding the sentence for the violation of probation.

### **• Participant Termination**

A Mental Health Court participant may be terminated from the program:

- Upon request

- For refusal to participate in his/her Recovery Plan
- For willful violations of the program
- For committing a new crime
- Because s/he has achieved the maximum benefit from available services
- If s/he has been AWOL on a Bench Warrant
- For rescinding the *Consent to the Disclosure of Confidential Information*.

- **Ex-Parte Communication with the Court**

If a Mental Health Court participant is charged with a new offense and undergoes the initial arraignment, it will not be discussed with the Mental Health Court Judge unless the representative of the District Attorney's Office and the Defense Counsel handling the Mental Health Court participant's case(s) are present. Pre-court conferencing may be requested for these discussions.

- **Pre-Court Staffing**

The Mental Health Court Judge, a representative of the District Attorney's Office, a representative of the Probation Department, the Defense Counsel, a representative of Behavioral Health, and other appropriate staff, will attend a staff meeting prior to each Mental Health Court session and at other times as necessary. Participant's progress reports will be reviewed during staffing. Recommended sanctions and incentives will be considered.

Pre-court staffing is the opportunity for Mental Health Court Team members to resolve their differences before entering the courtroom.

- **Status Hearings**

Mental Health Court will be held every other week or more often. The frequency of court appearances for each individual participant will be determined on a case-by-case basis. Return dates will be discussed during staffing, with the Judge making the final decision.

- **Court-Ordered Fees, Fines, and Restitution**

Mental Health Court participants will be given every opportunity to address all outstanding matters before any court while they are under the supervision of the Mental Health Court. For informal probation cases, Behavioral Health Staff and the Judge will review all outstanding matters for the purpose of resolving them prior to participants completing the Mental Health Court program. Community service may be used by participants with outstanding fees and fines at the courts discretion. For formal probation cases, a representative of the Probation Department, Behavioral Health Staff and the Judge will review all outstanding matters for the purpose of resolving them prior to participants completing the Mental Health Court program.

- **Steering Committee**

The Mental Health Court Steering Committee shall meet quarterly, or more often as required, for the purposes of:

- Developing and modifying policy so that a full continuum of services is integrated with justice system processing.
- Reviewing program costs and directing action on new sources of funding.

- Supporting the Mental Health Court Team by providing strategic guidance and resources.
- Coordinating responses to identified problems and needs.

## **Mental Health Court Medical Policies**

### **General**

It is the policy of the Calaveras County Mental Health Court that use of prescription medications must occur under a physician's supervision and according to the physician and/or psychiatrist's direction.

The Case Manager or another member of the Mental Health Court Team must verify absences from the program due to illness.

Private physicians providing care to Mental Health Court BHS clients/participants are to be identified by the time the Recovery Plan is completed. Necessary releases of information are to be on file with the Behavioral Health Services Division.

### **Use of Medication**

The Mental Health Court understands that most participants will be taking psychiatric medication. Participants taking psychiatric medication must do so only under the direction and supervision of a licensed physician and/or psychiatrist. Medications being taken by a Mental Health Court participant are to be on file with the Probation Officer and the Behavioral Health Services Division. Participants who are using substances other than those prescribed may be subject to disciplinary action or dismissal from the program.

Participants must sign *Consent to Release Information* form giving Mental Health Court Team permission to consult with the participant's physician regarding their medication use.

### **Absence from Program due to Illness**

Behavioral Health Staff or another member of the Mental Health Court Team must verify illness of a participant. If a participant is ill enough to miss counseling sessions, s/he may be required to make an appointment with a health care provider for an examination.

If a physician instructs the participant to remain at home, the participant must provide a signed note indicating the amount of time the participant is being required to be absent from program activities.

Regular medical appointments not of an emergency nature are to be scheduled at a time other than those in which Mental Health Court activities are scheduled.

### **Probation Home Visits/Searches and/or Welfare Checks**

**Probation home visits/searches and/or** welfare checks may be requested by Mental Health Court Team members at any time during participation in the program. Outcomes of probation home visits/searches and/or welfare checks will be reported to the Mental Health Court Team during pre-court staffing or sooner if need dictates.

**CALAVERAS COUNTY SUPERIOR COURT**  
**MENTAL HEALTH COURT PROTOCOL**

The Mental Health Court calendar of the Calaveras County Superior Court will adjudicate the following cases. Unless otherwise specified, this policy shall apply to both felony and misdemeanor cases.

**I. Defendants Qualified for Services Under the Mental Health Court**

- A. Defendants suitable for referral to the Mental Health Court calendar for disposition are those who have a serious mental illness (SMI) and those who have a co-occurring substance use disorder (COD) whose SMI behavior led to being charged with, convicted of, or on probation for a misdemeanor or felony offense, who qualify for Calaveras Behavioral Health Services, and who are MediCal eligible. Defendants must have a SMI diagnosis to be suitable for referral to the Mental Health Court calendar.

All felony and misdemeanor charges will originally be evaluated by the District Attorney's Office for eligibility in the Mental Health Court program. If deemed suitable for eligibility, the prospective Mental Health Court participant will be scheduled for an orientation period.

- B. The following offenses are *presumptively* ineligible for disposition under the program:
1. Any felony or misdemeanor which demonstrates that the defendant presents a substantial risk to the health and safety of others.
  2. Any "serious" felony under P.C. § 1192.7(c).
  3. Any crime where the defendant has one or more prior "serious" or "violent" convictions.
  4. Any defendant who suffers from a brain injury and/or dementia/Alzheimers.
- C. The final determination of acceptance shall be made by the Judge assigned to the Mental Health Court calendar.
- D. A defendant charged with a "violent" felony under the provisions of P.C. § 667.5(c) is ineligible for Mental Health Court unless the defense, the prosecution and the court agree that the particular case is suitable for such disposition.
- E. When a case is referred to the Mental Health Court calendar, the Mental Health Court Team shall make an evaluation as to the suitability of the defendant. If the defendant is determined by the Mental Health Court Team to be unsuitable, the



case shall be referred back to the original court calendar. If the defendant is determined to be suitable, the defendant will be entered into a minimum four week long Orientation period prior to sentencing. At the conclusion of the Orientation period, the defendant will either be formally accepted into the Mental Health Court Program or sentenced appropriately.

- F. Mental Health Court is a sentencing option. All potential Mental Health Court participants will be referred to the Mental Health Court Team for suitability determination when their case has reached the sentencing phase. A case is not eligible for Mental Health Court consideration during any pre-trial phase.

### **III. Competency to Stand Trial (P.C. §§ 1368, *Et Seq.*)**

Will not be referred to Mental Health Court if found to be incompetent to stand trial.

### **IV. NGI Proceedings (P.C. §§ 1026, *Et Seq.*)**

Will not be referred to Mental Health Court.

## **Mental Health Court Team Member Responsibilities**

### **Mental Health Court Judge**

- Presides over weekly open court sessions and maintains a therapeutic relationship with the participant
- Orders terms and conditions of probation, the Participation Contract and Recovery Plan
- Participates in Mental Health Court Steering Committee and Mental Health Court Team meetings as well as pre-court staffing and other relevant meetings
- Acts as a spokesperson to community and peers
- Provides and participates in cross training for Mental Health Court Team members and their staffs to assure mutual understanding of court proceedings and requirements
- Assists with data collection

### **District Attorney**

- Familiarizes staff within the District Attorney's Office regarding the goals, policies and procedures of the Mental Health Court
- Participates in Mental Health Court Steering Committee
- Reviews criminal case filings to determine need for formal prosecution or eligibility for the Mental Health Court; refers cases to the Mental Health Court on a case-by-case basis
- Participates in adjudication and dispositional hearings
- Attends pre-court staffing, meetings of the Team and other relevant case management coordination meetings
- Participates in non-adversarial Mental Health Court sessions.
- Provides and participates in cross training for Mental Health Court Team members and their staffs to assure mutual understanding of prosecution proceedings and requirements
- Participates in data collection

### **Defense Counsel**

- Familiarizes staff within their office regarding the goals, policies and procedures of the Mental Health Court
- Participates in Mental Health Court Steering Committee
- Identifies defendants with mental illnesses who may benefit from Mental Health Court and advocates on their behalf to participate in this program
- Explains terms of participation in Mental Health Court to clients and facilitates informed consent
- Participates in adjudication and dispositional hearings
- Attends pre-court staffing, regular meetings of the Team and other relevant meetings
- Participates in non-adversarial Mental Health Court sessions
- Provides and participates in cross training for Mental Health Court Team members and their staffs to assure mutual understanding of defense proceedings and requirements
- Participates in data collection

### Calaveras County Sheriff

- Familiarizes staff within the Sheriff's Office, especially the Corrections Division, with the goals, policies and procedures of the Mental Health Court
- Screens jail bookings to determine if persons have a mental illness for evaluation by the Mental Health Court Team
- Assures the involvement of a jail medical services provider (California Forensic Medical Group - CFMG) who will be notified by the jail booking officer when a person exhibiting mental illness has been identified
- Assures that jail medical staff notify the Mental Health Court Case Manager and the Defense Attorney when an inmate exhibiting mental illness is identified as a Mental Health Court participant
- Facilitates mental health services for incarcerated defendants who are under the supervision of Mental Health Court, including court-ordered sanctions
- Attends Mental Health Court Steering Committee meetings when necessary
- Provides and participates in cross training for Mental Health Court Team members and their staff to assure mutual understanding of arrest and detention proceedings and requirements
- Participates in data collection

### CFMG (Jail Medical Provider) in collaboration with the BHS Clinician residing at Jail

- Notifies the Mental Health Court Case Manager when an inmate with mental illness issues is identified.
- Provides medication(s) supervision for inmates referred to the Mental Health Court  
Provides mental health services for incarcerated defendants who are under the supervision of Mental Health Court, including court-ordered sanctions
- Attends Mental Health Court Steering Committee Meetings when necessary

### Behavioral Health Services Division Supervising Case Manager

- Serves as the lead agency for providing services for the Mental Health Court
- Familiarizes staff within the Behavioral Health Services Division and contract providers with the goals, policies and procedures of the Mental Health Court
- Provides staff/contract providers to serve on the Mental Health Court Team and participate in relevant meetings
- Consults regularly with the jail medical provider (CFMG) and BHS clinician regarding defendants with mental illnesses
- Offers consultation with regard to Mental Health Court Recovery Plans
- Attends pre-court staffing, regular meetings of the Mental Health Court Team and other relevant meetings
- Identifies potential referrals to Mental Health Court and evaluates defendants for program appropriateness
- Provides and participates in cross training for Mental Health Court Team members and their staff to assure mutual understanding of mental illness, agency services, and procedures and requirements for intervening with persons with mental illness
- Participates in data collection maintains program statistics and maintains current records

- of participant progress
- Participates in Mental Health Court Steering Committee
  - Determines appropriate services to be provided to meet participant's needs
  - Prepares and monitors individual Mental Health Court Recovery Plans for every participant under the supervision of the Mental Health Court
  - Consults with other Mental Health Court Team members, participant's family and support network, as appropriate, regarding participant progress
  - Attends staffings and presents reports of participant's progress to the Court
  - Maintains Mental Health Court policies and procedures
  - Monitors budgets and program expenditures
  - Facilitates public education and outreach efforts on behalf of the program

#### Behavioral Health Division

##### FSP Case Manager/Clinical Staff

- Provides or arranges for continuity of mental health treatment, including medication services
- Acts as community resources broker to assure that ancillary needs of the participant are being addressed
- Assists participants with identifying and addressing psych-social barriers to sustained mental health recovery and Mental Health Court participation (transportation, financial, educational, legal, employment, housing, etc.)
- In cooperation with CFMG and BHS clinician, coordinates transitional services for incarcerated participants who are under the supervision of Mental Health Court, including court-ordered sanctions

#### Probation Department

- Familiarizes staff within the Probation Department regarding the goals, policies and procedures of the Mental Health Court
- Ensures that participants are in compliance with court ordered terms and conditions of probation.
- Prepares pre-sentence reports to assist in evaluating potential participant suitability
- Attends pre-court staffing, regular meetings of the Mental Health Court Team and other relevant meetings
- Provides and participates in cross training for the Mental Health Court Team members and their staff to assure mutual understanding of department procedures and requirements
- Participates in data collection as needed for program development and improvement
- Participates in Steering Committee Meeting

Name: People v.

Case Number:

## DEFENDANT'S REQUEST TO PARTICIPATE

I, \_\_\_\_\_, request the sentencing Judge grant me probation and refer me to the Calaveras County Mental Health Court (MHC) Program. I understand that:

**1. ELIGIBILITY FOR ADMISSION:** In order for me to be admitted into the MHC Program, I must:

(a) assert that I believe my criminal conduct in this case is due, at least in part, to an eligible mental health condition;

(b) provide verification of my eligible mental health condition OR;

(c) submit to an assessment by a qualified person to determine that I suffer from an eligible Mental Health condition

(d) sign all the appropriate releases of information so that I may be considered for admission to the MHC Program.

**2. THE MHC PROGRAM:** Admission into the MHC Program is not a right. The sentencing Judge may decide not to refer me to MHC, and/or the MHC Judge may decide not to admit me to MHC. The MHC consists of an orientation and completion of three phases, in addition to the terms and conditions of probation.

**3. INDIVIDUALIZED TREATMENT AND HOUSING PLAN:** An initial plan will be developed to treat my mental health condition(s) and any related substance abuse or abusive behavior. In addition, an initial housing plan may be developed that places me in a group living facility, or some other appropriate living arrangement. Each plan may be modified to address changing circumstances. I will have the opportunity to have input into each plan development and its ongoing adjustment.

**4. REVIEW PLAN:** The MHC Judge will review with me my progress on my treatment plan. My assigned case manager and the housing provider will also review my progress on a daily to weekly basis. The MHC Judge may impose further requirements.

**5. ABSTINENCE AND TESTING:** The MHC Program requires me to abstain from alcohol, and un-prescribed controlled substances and to use prescribed medicine only as directed. I will fully disclose all controlled substances for which I have prescriptions. If a medical emergency arises that requires me to take any medication, I will notify the Mental Health Court supervisor.

Testing for controlled substances and alcohol consumption may be part of my MHC Program. Missing a test (unless excused by my Probation Officer) or adulterating a test sample will be considered a positive test. Testing positive may result in the MHC Judge imposing sanctions, terminating my participation in the MHC Program, or revoking my probation.

**6. INCENTIVES:** The MHC Program uses incentives to motivate participants to complete his/her treatment plan. To be qualified to receive an incentive, I must be in full compliance with my treatment plan and terms and conditions of probation.

**7. SANCTIONS:** If I fail to satisfy MHC requirements, members of the MHC Team may impose sanctions on me which may include “flash” incarceration in the county jail up to 10 days.

**8. INVOLUNTARY TERMINATION OF MY PARTICIPATION IN THE MHC PROGRAM:** My participation in the MHC Program may be involuntarily terminated if the MHC Judge finds that:

(a) I failed to comply with the requirements of my treatment plan, housing plan, any sanctions imposed, and/or any of the terms and conditions of my probation, or;

(b) When I was admitted into MHC, there were disqualifying circumstances unknown to the MHC Judge.

**9. REVOKING MY PROBATION:** The MHC Judge may revoke my probation if there is:

(a) An involuntary termination of MHC; or

(b) A violation of a requirement or direction imposed as part of the treatment plan, housing plan, or sanction(s).

The MHC Judge will then consider whether to:

- Reinstate probation on the same terms and conditions.
- Reinstate probation on different terms and conditions.
- Terminate my probation and sentence me to either jail or prison.

**PARTICIPANT'S SIGNATURE:**

I have discussed with my attorney the terms and conditions to which I will be subject as a participant in the MHC Program. I have no questions about the consequences of participating in the MHC Program.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

**DEFENSE COUNSEL'S SIGNATURE:**

I have reviewed the above provisions with my client. I believe that my client knows and understands the requirements and consequences set forth herein, has been legally advised regarding them, and is voluntarily signing this document. I believe that it is in my client's best interest to be admitted into the MHC Program.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

# **CALAVERAS COUNTY MENTAL HEALTH COURT**

## **CONSENT TO THE DISCLOSURE OF CONFIDENTIAL INFORMATION**

I, \_\_\_\_\_, authorize the disclosure by Calaveras County Health and Human Services Agency (including Behavioral Health Services and Alcohol and Drug Services) of information relating to my psychiatric diagnosis and treatment (including but not limited to progress notes and results of medical, laboratory, psychological, vocational, or drug tests), probation terms, response to provided services, recommendations concerning my individual Recovery Plan, and other information relevant to my treatment and my possible participation and progress in the Calaveras County Mental Health Court program to the following departments and agencies participating in the Mental Health Court program:

- Calaveras County Superior Court
- Health and Human Services Agency (including but not limited to Behavioral Health Services, Alcohol and Drug Services, Adult and Family Services)
- Probation
- District Attorney
- Public Defender (or other Defense Counsel  
\_\_\_\_\_)
- County Counsel
- Calaveras County Sheriff's Office
- Other \_\_\_\_\_

The purpose of the release and disclosure authorized herein is to evaluate my possible participation in the Mental Health Court program and, if chosen to participate, to monitor my progress in Calaveras County Superior Court Case No. \_\_\_\_\_ and the Calaveras County Mental Health Court program, to coordinate and collaborate on my treatment, and to determine the most beneficial services to aid in my success within the program.



I understand that some of my records may be protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2, and cannot be disclosed without my written consent unless otherwise provided for in the regulations. If applicable, this serves as my written consent for that disclosure.

Pursuant to 42 C.F.R. Part 2, California Civil Code section 56 *et seq.*, and federal HIPAA regulations, I also understand that I may revoke this consent (which will result in a voluntary withdrawal from the Mental Health Court program) at any time by contacting the Health and Human Services Agency, except to the extent that action has been taken in reliance on it, and that in any event this consent expires automatically six (6) months following my completion of or discharge from the Calaveras County Mental Health Court program.

If selected to participate in the Mental Health Court program, I also hereby consent to have my court hearings open to the public and heard in the presence of all other Mental Health Court participants and candidates, with the knowledge that the fact of my participation in the Calaveras County Mental Health Court program may therefore be public knowledge.

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature of Participant

Signature of Authorized  
Representative (where  
required)

## **Calaveras County Mental Health Court Guidelines for Participants**

Welcome to the Calaveras County Mental Health Court. The purpose of this alternative court is to provide the skills and resources to support you in managing your illness and remaining out of the criminal justice system. This information is designed to answer your questions about the Mental Health Court program.

Mental Health Court is a choice that you make. It is a court-supervised, comprehensive treatment program for adult defendants who have a mental illness and who may also abuse drugs or alcohol. The program is provided in partnership with a team of staff from the Court, Behavioral Health Services Division, the Probation Department, Defense Counsel, District Attorney and Law Enforcement.

### **Eligibility**

Mental Health Court is a one-year, or longer, voluntary program. To be eligible, you must:

- Be qualified for treatment under the terms of the Calaveras County Mental Health Court Protocol, which presumptively excludes serious, violent offenses and three-strikes crimes
- Be suitable for and indicate that you want to participate in treatment
- Be eligible for probation
- Be able to understand the consequences of the legal proceedings and the agreement you are making with the court
- Have been diagnosed with a DSM V, disorder
- Be 18 years of age or older
- Reside in Calaveras County

### **The Mental Health Court Program**

If you choose to participate in Mental Health Court, you will meet with a Behavioral Health Services representative who will explain the program and prepare a Recovery Plan with you. The plan becomes part of your probation orders. If accepted in the Mental Health Court, you will be sentenced to successfully complete the Mental Health Court program.

You will be asked to sign a statement releasing information to the Mental Health Court Team. This is so the Team can know how you're doing in the program. Your records cannot otherwise be disclosed without your written consent.

Examples of the kinds of things you will be expected to do in the program are as follows:

- Appearing in Court

- Staying on your prescribed medications/Following your Recovery Plan
- Not using alcohol (if ordered), marijuana (if ordered), or illegal drugs (you may be tested)
- Not getting arrested
- Not violating probation
- Attending individual and/or group counseling
- Meeting regularly with the Mental Health Court staff
- Working on an aftercare plan for when you've successfully completed the program

The Team will also help you with transportation, housing, taking classes or getting a job.

There are rewards for following the rules of the program that could include:

- Restoration of lost privileges
- Vouchers, passes, gift certificates, pending funding available.
- Possible reduction of fine
- Possible reduction of charges
- Possible dismissal of charges under the terms of P.C. §1203.4 or §1203.4a

There are also sanctions if you do not, including termination from Mental Health Court.

## **Termination**

The following behaviors will cause you to be terminated from Mental Health Court:

- Refusing to participate in your Recovery Plan
- Repeated and intentional program violations, including probation violations
- Committing a new crime
- Unexcused absences from any part of the program
- Revoking the Authorization to Release Information

## **Graduation**

After successful completion of Phases I, II, III, and Aftercare, you will be eligible for graduation from the Mental Health Court. It is expected that you have followed your Recovery Plan by constantly:

- attending court
- attending counseling and therapy
- using medications properly
- not using alcohol or illegal drugs
- obeying the law
- Have stable housing

By following your Recovery Plan every day, you will graduate from the program. The criminal charges that brought you into Mental Health Court originally may be dismissed. The team will continue to be available to assist you, should you need it.

***Good Luck from the Mental Health Court Team!***

SUPERIOR COURT OF CALIFORNIA COUNTY OF CALAVERAS 400 Government Center Drive San Andreas, CA 95249	Clerk's Use Only
The People of the State of California, Plaintiff,  v.  , Defendant	
ACKNOWLEDGEMENT OF TERMS AND CONDITIONS OF MENTAL HEALTH COURT PARTICIPATION AND WAIVER OF DUE PROCESS RIGHTS	CASE NO.

### **ACKNOWLEDGMENT OF TERMS AND CONDITIONS OF MENTAL HEALTH COURT PARTICIPATION AND WAIVER OF DUE PROCESS RIGHTS**

\_\_\_\_\_ I have read and understand the description of the phases of Mental Health Court and that there are possible sanctions that may be imposed by the Mental Health Court Team for a violation of any of the requirements at each phase of participation.

\_\_\_\_\_ I agree that the Mental Health Court Judge may impose any of the sanctions that the Court feels are appropriate at any phase during my participation in Mental Health Court.

\_\_\_\_\_ I understand and agree that the Court has the discretion to terminate me from Mental Health Court if I am convicted of a new crime or violate a term or condition of my probation while I am participating in Mental Health Court.

\_\_\_\_\_ I understand and agree to waive all of the following rights as a part of my participation in Mental Health Court:

- The right to advance notice, either written or verbal, of any violation of a term or condition of participation in Mental Health Court that will result in an immediate sanction.
- The right to withdraw any release of information signed by me as part of my participation in Mental Health Court. (Withdrawal of a release will mean that I am no longer qualified to participate in Mental Health Court)
- The right to have an evidentiary hearing prior to the imposition of an immediate sanction in Mental Health Court.
- The right to be represented by an attorney for the imposition of any immediate sanction in Mental Health Court.
- The right to remain silent.

- The right to assert any privilege as set forth in the California Evidence Code or any California case law with respect to any communication with a mental health professional or a medical doctor as a condition of participation in Mental Health Court.
- The right to be sentenced by the Judge that accepted the plea of guilty to the charge or charges, which resulted in my participation in Mental Health Court. [People v. Arbuckle (1978) 22 Cal. 3d 749]
- The right to disqualify the Mental Health Court Judge under CCP 170.6.

#### CIRCUMSTANCES OF WAIVER OF DUE PROCESS RIGHTS

\_\_\_\_\_ I have talked about all of the aspects of my participation in Mental Health Court with my attorney. I have had enough time to talk to my attorney about the consequences of a waiver of my due process rights as a condition of my participation in Mental Health Court.

\_\_\_\_\_ I freely and voluntarily enter into this waiver of my due process rights as outlined above with full knowledge of the consequences of this waiver.

Dated: \_\_\_\_\_

Signature of Defendant \_\_\_\_\_

#### ATTORNEY'S STATEMENT

I am the attorney of record for the Defendant. I have reviewed and discussed this form and any additional information with my client. I have explained each of the Defendant's rights to the Defendant and answered all of the Defendant's questions with regard to the waiver. I have discussed the facts of the Defendant's case with the Defendant and explained the consequences of this waiver of due process rights as a condition of the Defendant's participation in the Mental Health Court Program.

I concur in the Defendant's participation in the Mental Health Court Program and the Defendant's decision to waive his/her due process rights as a condition of the Defendant's participation in the Mental Health Court Program.

Dated: \_\_\_\_\_

Attorney for Defendant \_\_\_\_\_

#### INTERPRETER'S STATEMENT

I, \_\_\_\_\_, having been duly sworn, truly translated this form to the Defendant in the \_\_\_\_\_ language. The Defendant indicated that he/she understood the contents of the form, and he/she then initialed and signed the form.

Dated: \_\_\_\_\_

Court Interpreter \_\_\_\_\_

### COURT'S FINDINGS AND ORDER

The Defendant has acknowledged to the Court that he/she has read and understood the contents of this form pursuant to which he/she waives his/her due process rights.

The Defendant has not recently ingested drugs or alcohol so as to affect his/her ability to exercise judgment in entering into this waiver of due process rights as a condition of his/her participation in Mental Health Court.

The Court has reviewed this form and questioned the Defendant concerning the Defendant's waiver of due process rights in connection with his/her participation in Mental Health Court and finds that:

The Defendant understands his/her due process rights and that he/she has waived these rights as a condition of his/her participation in Mental Health Court.

The Defendant has expressly, knowingly, and intelligently waived his/her due process rights as a condition of participation in Mental Health Court.

The Defendant's waiver of his/her due process rights is freely and voluntarily made with a full understanding of the nature of the due process rights he/she has waived and the consequences of such waiver.

The Court accepts the Defendant's waiver of his/her due process rights and orders the Defendant sentenced to Mental Health Court upon the attached terms and conditions of probation and the Mental Health Court Recovery Plan.

Dated: \_\_\_\_\_

Signature of Judge of the Superior Court \_\_\_\_\_

# **Calaveras County Mental Health Court RECOVERY PLAN**

**For:**

---

1. Names and Numbers of Treatment Team
2. Program Schedule
3. Behavioral Health Treatment Plan
4. FSP Goals
5. Terms and Conditions of Probation
6. Court Documents
7. Wellness Plan

**Calaveras County  
Mental Health Court  
TREATMENT TEAM**

**For:**

\_\_\_\_\_

**Judge:** \_\_\_\_\_

**District Attorney:** \_\_\_\_\_

**Defense Counsel:** \_\_\_\_\_

**FSP Case Manager:** \_\_\_\_\_

**Therapist:** \_\_\_\_\_

**MHC Coordinator:** \_\_\_\_\_

**MHC Case Manager:** \_\_\_\_\_

**Psychiatrist:** \_\_\_\_\_

**Primary Care Doctor:** \_\_\_\_\_

**Support Person:** \_\_\_\_\_

**Support Person:** \_\_\_\_\_

**Support Person:** \_\_\_\_\_

**Living Room Wellness Cabin:** \_\_\_\_\_

**Crisis Support:** \_\_\_\_\_



**Calaveras County  
Mental Health Court  
PROGRAM SCHEDULE**

**For:**

\_\_\_\_\_

**COURT (Day & Time):** \_\_\_\_\_

**GROUP (Day, Place, Time):** \_\_\_\_\_

**THERAPY (Day, Place,  
Time):** \_\_\_\_\_

**PSYCHIATRIST (Day, Place, Time):** \_\_\_\_\_

**TESTING (Day, Place, Time):** \_\_\_\_\_

**PROBATION (Day, Place, Time):** \_\_\_\_\_

**LIVING ROOM WELLNESS CABIN (Day &  
Time):** \_\_\_\_\_

**COMMUNITY SUPPORT (Day, Place &  
Time):** \_\_\_\_\_

**OTHER (Day, Place, Time):** \_\_\_\_\_

**OTHER (Day, Place, Time):** \_\_\_\_\_

## Calaveras County Mental Health Court Progress Report

Date:  
Name:  
Current Address:

Case No:  
Phase:

Case Manager:

Entry Date:

Did participant fulfill meeting requirements?

Recommended services?

	Yes	No	N/A
Probation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Behavioral Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doctor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Self Helps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Restitution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other: \_\_\_\_\_  
Other: \_\_\_\_\_  
Other: \_\_\_\_\_

Participant status:

Medications:	Adherent <input type="checkbox"/>	Non-adherent <input type="checkbox"/>	Uncertain <input type="checkbox"/>	
Residence:	Stable <input type="checkbox"/>	Unstable <input type="checkbox"/>	Homeless <input type="checkbox"/>	
Behavior Patterns:	Appropriate <input type="checkbox"/>	Coping Poorly <input type="checkbox"/>	Not coping <input type="checkbox"/>	
Symptoms:	Remission <input type="checkbox"/>	Partial Rem. <input type="checkbox"/>	Increasing <input type="checkbox"/>	Decreasing <input type="checkbox"/>
Social Interaction:	Positive <input type="checkbox"/>	Isolating <input type="checkbox"/>	Struggling <input type="checkbox"/>	
Program Participation:	Engaged <input type="checkbox"/>	At Risk <input type="checkbox"/>	Not engaged <input type="checkbox"/>	
Support System:	Helpful <input type="checkbox"/>	Marginal <input type="checkbox"/>	Uncertain <input type="checkbox"/>	

Clinical Information:

Sanctions/Incentives Recommended:

Recommended changes to Recovery Plan

Prepared by:

**Calaveras County Mental Health Court Phase Questionnaire**  
**For Use in Phases I & II and/or III**

Your answers will assist us in better helping you and others. We appreciate your help.

Write (or print) as clearly as you can.

Write on the back if you need more space.

1. Your name: \_\_\_\_\_

Your contact phone number \_\_\_\_\_

2. About how long have you been in Mental Health Court?

3. Is anything about Mental Health Court helping you at this point?

4. Is anything about Mental Health Court making things harder for you at this point?

5. What do you like most about the Mental Health Court?

6. What do you like least about the Mental Health Court?

7. Do you have any thoughts about how Mental Health Court could be improved?

8. Aside from what the Police, Sheriff, lawyers, or the court might say, why do you think you were arrested?

9. What are the two best things that have happened to you in this last week or two?

Thank you for completing this!

## Calaveras County Mental Health Court Exit Review

Participant: \_\_\_\_\_

Recovery Status: \_\_\_\_\_

Drug(s) of Choice: \_\_\_\_\_ Months of Sobriety: \_\_\_\_\_

Triggers: \_\_\_\_\_

Adherence to Recovery Plan: \_\_\_\_\_

Legal: Re-Offenses: Date And Charge: \_\_\_\_\_

Bench Warrants: Date And Charge: \_\_\_\_\_

(Recalled or Open)

Education status: enrolled at entry \_\_\_\_\_ enrolled at exit: \_\_\_\_\_

School: \_\_\_\_\_

Employment status: employed at entry \_\_\_\_\_ employed at exit \_\_\_\_\_

Employer/Job: \_\_\_\_\_

Special services provided:

GED \_\_\_\_\_ College \_\_\_\_\_ Job Training \_\_\_\_\_ Housing \_\_\_\_\_

Family Reunification \_\_\_\_\_ Health Care \_\_\_\_\_ Dental Care \_\_\_\_\_

Needs not met:

GED \_\_\_\_\_ College \_\_\_\_\_ Job Training \_\_\_\_\_ Housing \_\_\_\_\_

Family Reunification \_\_\_\_\_ Health Care \_\_\_\_\_ Dental Care \_\_\_\_\_

Fees: amount paid to date \$ \_\_\_\_\_ balance due \$ \_\_\_\_\_

Suggestions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## **Calaveras County Mental Health Court Participant Exit Questionnaire**

Your answers to the following questions will assist us in better help you and others. Please write as clearly as you can. Use additional sheets of paper as needed. If you need help with the questionnaire, please ask.

1. Your name: \_\_\_\_\_

Your contact telephone number \_\_\_\_\_

2. What about Mental Health Court helped you the most?

3. Where do you now get your emotional and other support when things get tough?

4. How much or how little do you think that your medications help you?

5. Please describe any medication questions or if you need help with any medication issues.

6. If you have used alcohol or illegal drugs to feel better in the past, how will you handle that now and in the future?

7. Will you need additional help with any alcohol or illegal drug issues?

8. How do you think you can avoid being arrested in the future?

9. Please describe any educational goals you might have.

10. If you have a job right now, please tell us what you can about it.

11. Do you need and help with employment or employment issues?

12. Since you have been in the Mental Health Court Program, how are your relationships with your family and friends now compared to before?

13. Can you handle your daily activities better or about the same? Can you explain?

Thank you for completing the questionnaire.

Congratulations on succeeding in Mental Health Court!

## **OBSERVATION PERIOD**

An observation period of 30 days is required to be considered for Mental Health Court. If you choose to participate you will be required to adhere to the following terms and conditions:

- Report to your assigned case worker and the Probation Department.
- Provide your address and phone number to your case worker and the Probation Department.
- Abide by the reasonable directions of the Mental Health Court Team.
- Attend group as directed by the Mental Health Court Team.
- Stay in contact as directed with the Mental Health Court Team.
- Find stable housing in Calaveras County.
- Take all medication(s) as prescribed.
- Do not use or possess controlled substances or marijuana.
- Do not consume or possess alcohol.
- Submit your person for testing at the direction of the Probation Department.

The following terms and conditions may be imposed on a case by case basis:

- Monitoring by a SCRAM Unit
- Monitoring by an Electronic Monitoring Device.
- Not associate with specific identified individuals.

During this observation period you will be required to adhere to all the terms of the Mental Health Court Program. This is a period of time for you to demonstrate your desire to participate in the program and the Team will determine your suitability.

Failure to adhere to Observation Terms and Conditions may result in your arrest by a peace officer or probation officer.



## VETERANS PRETRIAL DIVERSION

### CASE FLOW CHART

1. D charged with applicable crime.
2. D appears with counsel at arraignment.
3. D fills out MIL-100 form (attached) which is filed in court. Form goes to veterans service officer who confirms military service and/or service connected.
4. Case set for eligibility hearing.
5. D fills out VTC application (attached) which is filed in court.
6. Court accepts/denies application.
7. If accepted, Court refers to appropriate agency.
8. Agency develops case plan which is filed with the court.
9. D case set for quarterly reviews. Progress reports written quarterly by appropriate agency.

### 3. Reporting Requirements

Progress Reports serve as a record for the implementation of the Grant Subaward. Statistics for Progress Reports must be collected on a quarterly basis, even when reporting occurs less frequently. The following reports are required:

#### a. Cal OES Progress Reports

There are two Cal OES Progress Reports required for the Program. See the chart for report periods and due dates.

Report	Report Period	Due Date
1 <sup>st</sup> Report	January 1, 2022 – June 30, 2022	July 29, 2022
Final Report	July 1, 2022 – December 31, 2022	January 31, 2023

#### b. Office for Victims of Crime (OVC) Reports

There are two, on-line OVC reports Subrecipients will also need to complete:

##### 1) Subgrant Award Report (SAR)

This on-line report is due **within 90 days of the beginning of the performance period**. Cal OES will initiate access and the Subrecipient must complete the remainder of the report in the OVC Performance Measurement Tool.

##### 2) Subgrantee Report

Subrecipients receiving Victims of Crime Act funds must complete this report no later than two weeks following the end of each federal fiscal year quarter. Subrecipients will report data directly into the OVC PMT database no later than the due dates listed, unless otherwise instructed by your Program Specialist.

Report Period	Due Date*
January 1, 2022 – March 31, 2022	on or about April 14, 2022
April 1, 2022 – June 30, 2022	on or about July 14, 2022
July 1, 2022 – September 30, 2022	on or about October 14, 2022
October 1, 2022 – December 31, 2022	on or about January 13, 2023

\* Exact due dates will be provided by your Program Specialist at the end of each quarter.

For technical assistance, issues or questions regarding the OVC PMT database, please contact the OVC PMT Help Desk at [ovcpmt@csrincorporated.com](mailto:ovcpmt@csrincorporated.com) or call toll-free (844) 884-2503.

- i. Initiate or implement crime-related mass victimization/terrorism objectives within the current Grant Subaward performance period.

The MVA may maintain a modified VW caseload while meeting position objectives. It is a priority for the MVA to complete the CCVAA 40-hour VW Entry Level Training.

The MVA is required to attend CCVAA Crisis Response Advocate training and MVA Roundtable meetings in-person or virtually. The CCVAA training team is available to provide technical assistance in meeting MVA objectives.

Additional trainings relevant to mass victimization/terrorism subject matter are highly recommended e.g.: secondary trauma, grief and recovery, psychological first aide, and death notification. FEMA online training is also recommended.  
<http://training.fema.gov/is/crslist.aspx>.

## 8. Reporting Requirements

Progress Reports serve as a record for the implementation of the Grant Subaward. Statistics for Progress Reports must be collected on a quarterly basis, even when reporting occurs less frequently. The following reports are required:

### a. Cal OES Progress Reports

There are two Cal OES Progress Reports required for the Program. See the chart for report periods and due dates.

Report	Report Period	Due Date
1 <sup>st</sup> Report	October 1, 2021 – March 31, 2022	April 30, 2022
Final Report	April 1, 2022 – September 30, 2022	October 29, 2022

### b. Office for Victims of Crime (OVC) Reports

There are two, on-line OVC reports Subrecipients will also need to complete:

1) Subgrant Award Report (SAR)

This on-line report is due **within 90 days of the beginning of the performance period**. Cal OES will initiate access and the Subrecipient must complete the remainder of the report in the OVC Performance Measurement Tool (OVC PMT).

2) Subgrantee Report

Subrecipients receiving Victims of Crime Act (VOCA) funds must complete this report no later than two weeks following the end of each federal fiscal year quarter. Subrecipients will report data directly into the OVC PMT database no later than the due dates listed, unless otherwise instructed by your Program Specialist.

Report Period	Due Date*
October 1, 2021 – December 31, 2021	on or about January 17, 2022
January 1, 2022 – March 31, 2022	on or about April 17, 2022
April 1, 2022 – June 30, 2022	on or about July 17, 2022
July 1, 2022 – September 30, 2022	on or about October 16, 2022

\* Exact due dates will be provided by your Program Specialist at the end of each quarter.

For technical assistance, issues or questions regarding the OVC PMT database, please contact the OVC PMT Help Desk at [ovcpmt@csrincorporated.com](mailto:ovcpmt@csrincorporated.com) or call toll-free (844) 884-2503.

c. Office on Violence Against Women (OVW) Report

Subrecipients receiving STOP Violence Against Women Formula Grant Program funds must complete the Annual Progress Report for the STOP Violence Against Women Formula Grant Program. This report covers the calendar year period of January 1 through December 31. This report is due to Cal OES no later than January 31, 2022.



# OFFICE OF THE DISTRICT ATTORNEY

## CALAVERAS COUNTY

BARBARA M. YOOK  
DISTRICT ATTORNEY

### MEMORANDUM

To: Calaveras County Sheriff Rick DiBasilio  
Angels Camp Police Chief Scott Ellis  
CHP Lt. John Warren  
Chief Probation Officer Sam Leach

From: Barbara M. Yook, District Attorney

Date: April 13, 2020

RE: COVID-19 Emergency Bail Schedule

Pursuant to the Judicial Council Order of April 6, 2020, the Calaveras County Superior Court has adopted the new COVID-19 Emergency Bail Schedule effective April 13, 2020. The COVID-19 Emergency Bail Schedule applies to those defendants currently in custody awaiting trial and to future arrests until 90 days after the Governor lifts the COVID-19 State of Emergency or until further Order of the Judicial Council.

Under the COVID-19 Emergency Bail Schedule:

**BAIL is \$0.00 for ALL misdemeanors and felonies, with the following 13 EXCEPTIONS only:**

1. A serious felony (PC 1192.7(c)) or violent felony (667.5)(c)) [*See Attachment A*]
2. PC 69, felony only
3. PC 166(c)(1)
4. PC 136.1 when committed:
  - by force or threat of force upon witness, victim or third party or their property
  - in furtherance of a conspiracy or
  - by someone who has a prior 136.1
5. PC 262 (spousal rape)
6. PC 273.5 or 243(e)(1), misdemeanor or felony
7. PC 273.6 but only if the suspect has:
  - made threats to harm or kill

- engaged in violence against the protected party or
- gone to the residence of the protected party
- 8. PC 422, felony only
- 9. PC 646.9, misdemeanor or felony
- 10. PC 290(c) offenses, misdemeanor or felony
- 11. VC 23152 or 23153, misdemeanor or felony
- 12. PC 463 (looting), misdemeanor or felony
- 13. PC 29800

**END of 13 EXCEPTIONS.** For crimes on the above list, the regular bail schedule applies.

Of concern is what is not considered one of the **13 EXCEPTIONS**. Under the COVID-19 Emergency Bail Schedule, the following crimes are just some examples of those now set at \$0.00 BAIL:

<i>PC 148, 148.10</i>	<i>PC 368</i>	<i>PC 459 commercial</i>
<i>PC 245(a)(4)</i>	<i>PC 273a(a)/(b)</i>	<i>PC 594</i>
<i>VC 2800.2</i>	<i>VC 20001/20002</i>	<i>VC 10851</i>

For ALL defendants under a term of supervision (Probation, Parole, Post-Release Community Supervision, Mandatory Supervision) who are currently in custody or who will be arrested on violations:

- BAIL is **\$0.00** for **ALL** violations of misdemeanor supervision, regardless of the original conviction
- BAIL is **\$0.00** for **ALL** violations of felony supervision **UNLESS** the defendant's ORIGINAL CONVICTION is on the list of **13 EXCEPTIONS** set forth above

It is important to note that the Judge will still have the ability to set higher bail in any case the Judge deems appropriate<sup>1</sup>. Arresting Deputies/Officers can request the Judge deviate from the new \$0.00 BAIL amount pursuant to PC 1269c or PC 1275, for example. A sample **REQUEST FOR BAIL INCREASE ABOVE EMERGENCY BAIL SCHEDULE** is attached to this Memorandum. [See Attachment B]

Please contact me if you have any questions about this Memorandum. As always, my Office is committed to working with you to keep our community safe.

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<sup>1</sup> California Constitution Article I, section 12:

- Felony acts of violence on another person or felony sexual assault on another person when the facts are evident or presumption great and court finds upon clear and convincing evidence there is substantial likelihood of great bodily harm to another if released
- Felony offenses when facts are evident or presumption great and court find upon clear and convincing evidence that the person has threatened another with great bodily harm and there is substantial likelihood the person would carry out the threat if released

Article I, section 28(f)(3): In setting, reducing or denying bail, the judge or magistrate shall take into consideration:

- the protection of the public
- the safety of the victim
- the seriousness of the offense charged
- the previous criminal record of the defendant
- and the probability of his or her appearing at the trial or hearing of the case. Public safety and the safety of the victim shall be the primary considerations.

## **ATTACHMENT A**

### **Serious Felonies: Penal Code §1192.7(c)**

- (1) Murder or voluntary manslaughter
- (2) Mayhem
- (3) Rape
- (4) Sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person
- (5) Oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person
- (6) Lewd or lascivious act on a child under 14 years of age
- (7) Any felony punishable by death or imprisonment in the state prison for life
- (8) Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm
- (9) Attempted murder
- (10) Assault with intent to commit rape or robbery
- (11) Assault with a deadly weapon or instrument on a peace officer
- (12) Assault by a life prisoner on a non-inmate
- (13) Assault with a deadly weapon by an inmate
- (14) Arson
- (15) Exploding a destructive device or any explosive with intent to injure
- (16) Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem
- (17) Exploding a destructive device or any explosive with intent to murder
- (18) Any burglary of the first degree
- (19) Robbery or bank robbery
- (20) Kidnapping
- (21) Holding of a hostage by a person confined in a state prison
- (22) Attempt to commit a felony punishable by death or imprisonment in the state prison for life
- (23) Any felony in which the defendant personally used a dangerous or deadly weapon
- (24) Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Sec. 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Sec. 11055 or subdivision (a) of Sec. 11100 of the Health and Safety Code
- (25) Any violation of subdivision (a) of Sec. 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person
- (26) Grand theft involving a firearm
- (27) Carjacking
- (28) Any felony offense, which would also constitute a felony violation of Sec. 186.22
- (29) Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Sec. 220
- (30) Throwing acid or flammable substances, in violation of Sec. 244
- (31) Assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Sec. 245



- (32) Assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Sec. 245.2, 245.3, or 245.5
- (33) Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Sec. 246
- (34) Commission of rape or sexual penetration in concert with another person, in violation of Sec. 264.1
- (35) Continuous sexual abuse of a child, in violation of Sec. 288.5
- (36) Shooting from a vehicle, in violation of subdivision (c) or (d) of Sec. 26100
- (37) Intimidation of victims or witnesses, in violation of Sec. 136.1
- (38) Criminal threats, in violation of Sec. 422
- (39) Any attempt to commit a crime listed in this subdivision other than an assault
- (40) Any violation of Sec. 12022.53
- (41) A violation of subdivision (b) or (c) of Sec. 11418
- (42) Any conspiracy to commit an offense described in this subdivision

**Violent Felonies: Penal Code §667.5(c)**

- (1) Murder or voluntary manslaughter
- (2) Mayhem
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Sec. 261 or paragraph (1) or (4) of subdivision (a) of Sec. 262
- (4) Sodomy as defined in subdivision (c) or (d) of Sec. 286
- (5) Oral copulation as defined in subdivision (c) or (d) of Sec. 287 or of former Sec. 288a
- (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Sec. 288
- (7) Any felony punishable by death or imprisonment in the state prison for life
- (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Sec. 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Secs. 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Sec. 12022.3, or Sec. 12022.5 or 12022.55
- (9) Any robbery
- (10) Arson, in violation of subdivision (a) or (b) of Sec. 451
- (11) Sexual penetration as defined in subdivision (a) or (j) of Sec. 289
- (12) Attempted murder
- (13) A violation of Sec. 18745, 18750, or 18755
- (14) Kidnapping
- (15) Assault with the intent to commit a specified felony, in violation of Sec. 220
- (16) Continuous sexual abuse of a child, in violation of Sec. 288.5
- (17) Carjacking, as defined in subdivision (a) of Sec. 215
- (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Sec. 264.1
- (19) Extortion, as defined in Sec. 518, which would constitute a felony violation of Sec. 186.22
- (20) Threats to victims or witnesses, as defined in Sec. 136.1, which would constitute a felony violation of Sec. 186.22
- (21) Any burglary of the first degree, as defined in subdivision (a) of Sec. 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary
- (22) Any violation of Sec. 12022.53
- (23) A violation of subdivision (b) or (c) of Sec. 11418

# **ATTACHMENT B**

# SUPERIOR COURT OF CALIFORNIA

## COUNTY OF CALAVERAS, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA vs

REPORT NO. \_\_\_\_\_

Defendant: \_\_\_\_\_

CHARGE: \_\_\_\_\_

**REQUEST FOR BAIL INCREASE ABOVE  
EMERGENCY BAIL SCHEDULE (P.C. 1269c)**

I, \_\_\_\_\_, a peace officer employed by \_\_\_\_\_  
(Agency), hereby make this application for the setting of a higher bail in the above-entitled matter, or in  
the alternative an order denying bail and setting the amount at NO BAIL.

I have arrested the above named defendant without a warrant, in the County of Calaveras for  
the crime of \_\_\_\_\_. Pursuant to the April 6, 2020, Judicial Council of  
California's Emergency Bail Schedule, the presumptive amount of bail in this case is \$0.

For the reasons set forth below, and pursuant to Rule 4(d) of the Emergency Bail Schedule, and  
pursuant to California Constitution Article I sections 12 and 28(f)(3), I have reasonable cause to believe  
that given the seriousness of the charged offense and/or the previous criminal record of the defendant,  
the amount of bail for the offense charged is insufficient to ensure protection of the public, the safety of  
the victim, and/or the probability that the defendant will appear at trial or the hearing of the case. The  
facts and circumstances in support of my belief are as follows:

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: \_\_\_\_\_

County of Calaveras

\_\_\_\_\_  
[INSERT NAME]

Agency: \_\_\_\_\_ Badge #: \_\_\_\_\_

### DETERMINATION BY MAGISTRATE (PC 1269c):

Bail to remain per schedule: \$ \_\_\_\_\_

Bail reset in the amount of: \$ \_\_\_\_\_

Additional terms and conditions:

Dated: \_\_\_\_\_

MAGISTRATE \_\_\_\_\_