

Beth Miller, "*Mental Health Court Targets Recidivism: Hugs, Thanks and Applause - Where Justice is United for Extra Chance*", The News Journal, May 7, 2012

The special court schedule was established in 2008 to help motivated defendants get help for their mental illnesses and avoid repeat encounters with the criminal justice system. With the agreement of prosecutors, some participants are in on probation, some are in as a diversion from the regular court system. For some, the record eventually is wiped clean.

Delaware has similar programs in Kent and Sussex counties as well as in Family Court and the Court of Common Pleas.

To participate, defendants must be diagnosed with a severe, chronic mental illness and must enter a plea to the charge against them. The judge then suspends that plea until a case management plan is developed and the defendant has a chance to follow it. During that time, the defendant is referred to a wide range of service providers who help make connections with housing, counseling, treatment and other resources. The program is not open to sex offenders or repeat felons.

If the defendant cooperates, reports for all appointments with probation officers and counselors, passes periodic drug tests if required to do so, appears before the judge for status updates and stays out of trouble, the chances are fairly good that he or she will not be back as a defendant in a Delaware courtroom. A January report showed that defendants who graduate from the program were much less likely to be rearrested or convicted again than those who did not comply with their plan and were terminated.

There are plenty who don't make it. Almost half must leave the program for one reason or another.

The success stories, though, unfold in the courtroom as Jurden asks for information from representatives of the public defender's office, the Attorney General's Office, probation officers, treatment coordinators and social workers, all of whom attend the hearings.

After asking for updates on each case, Jurden speaks directly to the defendant, asking how treatment is going, asking about any poor reports she has received. She asks if there is more the state could be doing to help them make progress.

Some have problems getting the proper medicine or getting around on the bus. Some say they are nervous or have had family problems or are worried about their children. Some point to long delays in getting help with housing or admission to a program. Some have unanswered questions that bother them.

Jurden listens, takes notes, and sometimes asks the agency representatives to get answers.

During one hearing last month, Jurden left the bench to embrace a former crack addict,

who had reached eight months of sobriety. The woman was neatly dressed, with a fresh white bow holding a corn-row ponytail. She had been following the treatment and recovery plan established for her and she was on track. Her probation officer, Emily Robinson, told Jurden she had been bragging about the woman's success to another officer.

"Your course in Mental Health Court has been nothing short of remarkable," Jurden told the woman. "When you came in here, you were not in a good place. Look at you now – you're a lovely person. It's coming through because you're feeling better."

Another woman, trying to regain visitation rights with her child, had not shown up for three appointments and did not call in when she was supposed to do so. The woman told Jurden she was having transportation problems and didn't trust anyone. The judge spoke firmly.

"It will not look good for you if you end up with a felony charge," Jurden warned, citing the charge that was pending against her. "... I expect you to do your part and you are jeopardizing your status in this court if you don't."

In a hearing several months ago, everyone in the courtroom applauded when one defendant told the judge he would be moving into his own apartment that afternoon.

He had been in a homeless shelter when he entered the Mental Health Court program. The stability he gained as his treatment took effect enabled him to find new traction.

And in February, one defendant thanked everyone around him for what was happening in his life. "I just thank the court because you all have done work with me so extensively," he said. "Through all of the stuff that I've been through, I don't think I've ever had a court and judge and just people that work with me like my probation officer, [treatment] worker, my lawyer. ... Thank you. I just want to say thank you."

The program is capped at 40 people, but Jurden says if resources were sufficient, the demand would easily triple the number of participants in a few months' time.

Work in the program requires awareness of the role of mental illness in the defendant's behavior. "They want to succeed, but they don't have the skills or the tools or the mental health to do it," Jurden said. "That might be interpreted as willful defiance. But someone with training in mental illness might be sensitive to the particular needs and deficits they have."

As the court has become established, Jurden and other officials have been able to spot and address systemic problems – including what information could be shared between agencies, why so many were having trouble getting the proper medication, especially in prison and why some offenders continued to have the same problems.

"Everybody is starting to realize that this is a bad problem," Jurden said. "Prisons are not meant to be asylums."

Recidivism

A January report on recidivism rates suggests that the Mental Health Court program offered by Superior Court in New Castle County reduces the likelihood of those who successfully complete the program getting rearrested or convicted again. The report included about three years of data through October 2011.

Successful (defendant graduated from the program)

Total 40

Rearrested 9

Convicted again 4

Unsuccessful (defendant did not comply with program terms)

Total 35

Rearrested 16

Convicted again 10

Overall

Total 75

Rearrested 25

Percentage rearrested 33.3

Convicted again 14

Percent convicted again 18.7

Source: Superior Court of Delaware/Mental Health Court