

Background: What is a Behavioral Health Docket?

- Virginia allows specialized dockets within the existing structure of the circuit and district court systems that offer judicial monitoring of intensive treatment, supervision, and remediation integral to case disposition. The most common example is Drug Court, which seek to break the cycle of addiction, crime, and repeat incarceration. Several other types of efforts, including Veterans and Behavioral/Mental Health dockets, apply similar approaches.
- Behavioral/Mental Health dockets are modeled after drug court dockets and were developed in response to the overrepresentation of individuals with behavioral health disorders in the criminal justice system.
- Such programs aim to divert eligible defendants with diagnosed mental health disorders into judicially supervised, community-based treatment, designed and implemented by a team of court staff and mental health professionals.
- These programs are distinguished by several unique elements: a problem-solving focus; a team approach to decision-making; integration of social services; judicial supervision of the treatment process; direct interaction between defendants and the judge; community outreach; and a proactive role for the judge.
- Through voluntary admission, eligible defendants are invited to participate in the Behavioral/Mental Health dockets following a specialized screening and assessment.
- For those who submit to the terms and conditions of community-based supervision, a team of program and treatment professionals work together to develop service plans and supervise participants.
- **Research demonstrates that Behavioral/Mental Health docket participants tend to have lower rates of criminal activity and increased linkages to treatment services when compared to defendants with mental illnesses who go through the traditional court system.**

Timeline for Implementing Arlington's Behavioral Health Docket

- Arlington's Behavioral Health Docket Committee was convened by the Department of Human Services and has been meeting monthly since March 2014.
- Membership includes Department of Human Services staff, Public Defender and staff, Sentencing Advocate/Mitigation Specialist; Jail Diversion/Forensic Services staff; Commonwealth Attorney's Office; probation offices and Community Corrections; Arlington County Police Department; Arlington County Sheriff's Office; General District Court judge.
- Specialized dockets require a "champion" in the judicial system and in Virginia, this is the judge. General District Court Chief Judge O'Brien indicated her interest in being this champion in the fall of 2018.
- Timeline:
 - Since 2014, the idea of a mental health docket has been discussed widely by the Mental Health Criminal Justice Review committee which includes member of the Community Services Board (CSB) as well as community mental health advocates. The CSB Executive Director, in charge of programs and operations of the CSB, has been involved in the development of this docket since 2014.
 - Over the past month, the application was vetted with all signatories and all suggestions for edits/revisions/changes were considered and reviewed with Judge O'Brien in addition to Judge Rucker.
 - An additional public meeting on the proposed docket is being scheduled for 3 p.m. on Wednesday, July 17, in the Jury Room on the 10th Floor of the Arlington County Courthouse,

1425 North Courthouse Road, Arlington, VA 22201 We will advertise this and all are welcome. Relevant documents will be available in advance to the extent possible.

- The meeting will include a presentation on Arlington's application and opportunities for interested parties to provide feedback.
- Submission of Docket application to the Office of the Executive Secretary (OES) for review is the next step (date set at their discretion).
- Docket applications are reviewed by the state Behavioral Health Docket Advisory Committee, led by Judge Jacquelyn Talevi, with oversight from the Office of the Executive Secretary.
- Launch of the docket is projected for early September.

Eligibility for Arlington's Mental Health Docket

- Defendants must be 18 or older.
- Arlington resident or Arlington homeless person.
- Diagnosed with a serious mental illness or dually diagnosed – meaning diagnosed with significant thought, mood or anxiety disorder and potentially carrying a secondary diagnosis of substance use or an intellectual or developmental disorder.
- Misdemeanor charges or felony offense reduced to misdemeanor with concurrence from the Commonwealth's Attorney.
- Assessed at medium to high risk of recidivism as determined by the Risk Needs Responsivity Simulator Tool (developed by George Mason University's Center for Advancing Correctional Excellence).

Additional Information

- Arlington's Mental Health Criminal Justice Review Committee has been working for 16 years in the area where the Criminal Justice and Behavioral Healthcare fields intersect. Arlington uses a "sequential intercept" model to divert individuals from incarceration. Some of our successful efforts include the Bond Diversion Program, Magistrate Post Booking Project, and Court Based Services.
- Arlington's Behavioral Health Docket is a post-plea docket in line with the majority of dockets in the Commonwealth. The Supreme Court of Virginia amended Rule 1:25 Specialty Dockets (effective 1/16/17) to further define the criteria for Specialty Dockets. These specialized dockets must offer "judicial monitoring of intensive treatment, supervision, and remediation..." which implies that participants must be post-plea.
- There is nothing to preclude Circuit Court or Juvenile and Domestic Relations Court from also developing a Behavioral Health Docket. Specialized dockets are rare in these courts but not excluded from consideration; in Arlington there is certainly an interest in alternative sentencing and utilization of mental health expertise in the courtrooms of both Circuit Court and J&DR Court.
- Once a Behavioral Health Docket is approved by the Office of the Executive Secretary, it is implicit that modifications may happen, incrementally over time, as the docket develops. OES requires specific data and outcome measures to be sent to their Office as part of an evaluative process and to determine if or when changes may be made. In addition, Arlington would use the same structure used in development of the docket – CSB/Mental Health Committee/Mental Health Criminal Justice Review Committee – as opportunities for stakeholders and community members to share thoughts and ideas on the docket as it evolves.