



Mental Health Court

Mission Statement

The mission of the First Circuit's Mental Health Court is to improve the Oahu court system's response to the criminalization of persons with serious mental illnesses, thereby reducing the long-term burden on the island's correctional, probation, parole, and court systems.

Program Information

Established in 2005, the Mental Health Court (MHC) is a specialty court that redirects offenders from jail to community-based treatment with intensive supervision to deal with public safety issues and support the recovery of defendants diagnosed with severe mental illness. The MHC team is led by Judge Richard K. Perkins and includes a dedicated public defender, dedicated prosecutor, MHC Program staff and staff from the Department of Health, Adult Mental Health Division who contribute clinical support to the team.

In this collaborative program, community treatment providers offer specialized care for participants requiring psycho-social rehabilitation, psychiatric treatment, substance abuse recovery, and other individualized treatment. Upon admission to the MHC program, participants redirected from incarceration to treatment are expected to receive multiple benefits including treatment and supervision support, reduced jail sentences and probation or dismissal of charges, as determined case by case. The MHC program requires a minimum of two years of supervision and treatment, which is organized into four phases, corresponding to individual development.

Court's Structure

The First Circuit's MHC is a post-arraignment court that accepts judge-ordered referrals in which a SMI contributes to functional impairment. Referrals must volunteer for the court, so their fitness to proceed must not be in question. Because a large percentage of people with SMIs also have co-occurring substance abuse disorders, the court admits dually diagnosed participants where mental illness is the primary issue. Court sessions are held once per week, and the MHC team meets just before court sessions to determine which referrals will be admitted and to discuss participants' progress. Derived from a strength-based model, the MHC motivates participants through graduated sanctions, rewards, and incentives.

Upon admission to this specialized court, each participant is supervised by a case manager, and the court case supervisor/probation officer. Additional supervision is provided through regularly scheduled review hearings with the judge. Upon graduation from the MHC program, all defendants will have met required expectations and receive effective treatment, indicating solid, strength-based recovery. Each graduate will demonstrate values essential for living, working, learning and participating fully in the community. MHC staff ensure public safety, by providing increased supervision, reducing recidivism, and placing an emphasis on accountability through the use of graduated sanctions.

For more information contact the Mental Health Court Program Coordinator, Louise Crum at (808) 539-4500.



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Eligibility Criteria

The First Circuit's Mental Health Court (MHC) considers admitting defendants originating in Circuit Court, Family Court, and District Court. Candidates may have prior convictions, and candidates may have opted *not* to participate in the program in the past. Candidates who successfully graduated from the program in the past may be considered by the MHC team for re-entry to the program on a case-by-case basis. Persons facing probation revocation also may be considered for entry to the MHC as a condition of re-sentencing. The MHC team has discretion over admission to the court, and each referral is considered on a case-by-case basis. The MHC team must reach consensus on a decision to admit an individual, and then the presiding MHC judge makes the final decision whether or not to admit individuals recommended by MHC team consensus.

To be eligible for the MHC, candidates must...

- be eighteen (18) years or older, or be waived to adult court.
- have a serious and persistent mental illness¹ (SPMI), as determined by mental health professionals, that appears to be the primary motivating factor in the person's involvement with the criminal justice system. Chemical dependency shall *not* be the primary diagnosis. Severe and persistent mental illnesses (SPMI) are diagnoses that result in emotional, cognitive, or behavioral functioning which is so impaired as to interfere substantially with one's capacity to remain in the community without treatment, psychosocial rehabilitation services, and other community supports of a long-term or indefinite period. The mental disability is severe and persistent if it results in long-term limitations in one's functional capacities for even the primary activities of daily living, such as interpersonal relationships, self-care, homemaking, employment and recreation. Example (though not exhaustive) primary diagnoses, which follow, have been identified as eligible for Continuing Services by the Hawaii Department of Health's Adult Mental Health Division:
 - Schizophrenia
 - Schizoaffective disorder
 - Delusional disorder
 - Depressive disorder (major, recurrent depression)
 - Bipolar disorders
- have a minimal history of violence. Some with violent offenses may be considered if assessment by the MHC team indicates that they do not pose a significant risk to public safety. As is true in all cases, team consensus on a decision to admit an individual is required before the judge makes the final determination.
- be legally competent to proceed.
- be considered amenable to treatment.
- reside on the island of Oahu, Hawaii.

Exclusions from the MHC are based upon the following:

- Violence
- Sex offenses (A program for sex offenders already exists.)
- Chemical dependency as the primary diagnosis or reason for involvement in the criminal justice system (A criminal Drug Court Program already exists.)
- The jurisdiction where the crime occurred (For the MHC program, offenders must be under the jurisdiction of the main court rather than the country courts.)

¹ Serious and persistent mental illnesses, according to the Hawaii Department of Health's Adult Mental Health Division, are those that have continued or are likely to continue for more than twelve (12) months and result in functional impairment that interferes with the person's ability to function independently in an appropriate and effective manner.