



A Mental Health Court Program

For

2nd Circuit- District Division- Littleton

PARTICIPANT HANDBOOK

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MISSION STATEMENT

The ASSERT Program seeks to provide an effective and meaningful alternative to the traditional criminal justice system for individuals with a mental illness. Our goal is to promote prompt intervention, education, treatment and recovery in order to improve the quality of the individual's life, reduce recidivism and improve community safety.

GENERAL DESCRIPTION

ASSERT is an intensive and comprehensive mental health court program designed as an alternative to incarceration.

The ASSERT Program is guided by the following principles:

- 1) Maximize the communication and cooperation between the mental health system and the criminal justice system;
- 2) Improve access to community mental health services;
- 3) Expedite case processing time with a team approach;
- 4) Reduce recidivism;
- 5) Better protect the safety and well-being of the community;
- 6) Improve appropriate treatment for identified defendants;
- 7) Ensure that punishment for non-compliance with the treatment plan be swift and graduated to fit the circumstances;
- 8) Incorporate community-based educational, vocational, counseling, vocational training and self-help courses and programs into a comprehensive treatment plan of self-improvement; and a Treatment Plan is created with each individual and typically includes, but is not limited to, counseling, case management, taking prescribed medication (if appropriate), educational/vocational services and substance abuse treatment (if appropriate).
- 9) Allow family members and others responsible for the care of the participant to become involved in the treatment and recovery process under the appropriate circumstances.

An individual may apply for admission into the Program as part of the disposition of any criminal matter. The applicant will be assessed by the Case Manager or clinician in the areas of psychological issues, substance abuse, education, life skills and vocational skills. Other specialized assessments may be ordered as necessary. If determined eligible for the Program, a Treatment Plan will be developed by the Case Manager with input from the applicant and, where appropriate, other interested parties. In situations where there is a co-occurring substance abuse disorder, the Treatment Plan will include a substance abuse component. The Treatment Plan will be reviewed and signed by the applicant and his/her counsel. If the individual does not agree to the Treatment Plan, then he or she may not qualify for ASSERT.

Treatment will be monitored by the Case Manager in order to make sure the participant is complying with the Treatment Plan. Participants must authorize any treatment providers, including doctors and counselors, to disclose to the Case Manager any noncompliance with the Treatment Plan such as missed appointments, substance abuse or failure to take medications as prescribed. The purpose of these disclosures is to quickly detect any problems and address the situation promptly and effectively.

PROGRAM INFORMATION

What is the ASSERT Program?

The ASSERT Program was created to provide sentencing alternatives to individuals with a mental illness who are involved in criminal matters. The Program integrates treatment into the resolution of the case. The fundamental principal of the Program is that people who engage in criminal behavior *due to their mental illness* should undergo appropriate treatment in order to modify their behavior and achieve recovery. Punishment, such as jail, alone, has proven to be ineffective.

The Program is run through the 2nd Circuit- District Division- Littleton, and mental health services are provided by WMMH.

Someone charged with a crime can enter the Program on one of two tracks. TRACK 1: The defendant maintains his/her plea of “not guilty” and enters into an *Agreement to Continue for Dismissal*, an agreement in which the person waives his or her right to a speedy trial and the case is continued for a designated period. During this period, the person must remain of good behavior and comply with his/her Treatment Plan.

TRACK 2: The defendant is ordered to enter into the Program as part of a *suspended or deferred sentence*, where the defendant pleads “guilty” to the charge. A sentence, such as jail time, is suspended or deferred for a designated period of time during which the person must remain of good behavior and comply with his/her Treatment Plan. A defendant must voluntarily agree to enter ASSERT. If a defendant is not interested in applying to and meaningfully participate in ASSERT, a defendant will not be accepted into the Program.

What is a Treatment Plan?

A Treatment Plan outlines the specific treatment a participant must comply with as part of the Program. A Treatment Plan is created for each individual and typically includes counseling, taking prescribed medication, education/vocational rehabilitation and substance abuse treatment, if deemed appropriate. The Treatment Plan is in writing and is incorporated into the court orders.

Who creates the Treatment Plan?

The Treatment Plan is mainly developed by the participant, the Case Manager and a team of treatment providers. The ASSERT team, which may include the Judge, the Mental Health Court Coordinator, the Case Manager, treatment providers, local law enforcement, the NH Dept. of Corrections, prosecutor and defense counsel, will be monitoring the participant’s progress in his/her Treatment Plan. Family members or guardians responsible for the care and supervision of the participant may also have input for the Treatment Plan. A needs assessment will also be developed.

Who is the ASSERT Case Manager?

The ASSERT Case Manager is an employee of WMMH. The ASSERT Case Manager assists with determining applicant eligibility for the ASSERT Program, arranges evaluations, prepares the Treatment Plan in conjunction with the participant and a team of treatment providers, and provides support for participants while in the ASSERT program, and monitors his/her progress.

Who is the Mental Health Court Coordinator?

The Mental Health Court Coordinator is an employee of Grafton County and serves as liaison between the participant, the Court, Northern Human Services White Mountain Mental Health and the entire ASSERT team.

Must I receive treatment solely at Northern Human Services White Mountain Mental Health?

No. While participants are usually treated by NHS, WMMH, community based treatment program for the 2nd Circuit- District Division- Littleton catchment area, the Case Manger may approve other options in the best interest of the client. If a private provider is involved they must agree to all conditions outlined by the Case Manager, and sign an authorization for release of information and work with the ASSERT team.

Who is eligible for the ASSERT Program?

Individuals may be eligible to participate in ASSERT if they are 18 years of age or older, charged with a Class A misdemeanor pending in the 2nd Circuit Court- District Division- Littleton, and have a diagnosed or diagnosable mental health issue that contributed to the behavior resulting in the charged offense. The defendant must not have any present charges or prior convictions involving sexual or violent offenses (select violent offenses may not exclude an individual from participation in the Program and will be reviewed on a case by case basis after thorough evaluation of the nature of the violence and appropriateness of the Program is conducted). The individual's prior criminal record may impact eligibility.

How do I get into the ASSERT Program?

Referrals to ASSERT can come from a number of different sources including the bail commissioner (prior to arraignment), law enforcement, prosecutor, defense counsel, treatment provider or the court.

All referrals will be made to the Mental Health Court Coordinator. The Mental Health Court Coordinator will explain the Program to the individual and, if represented, defense counsel. If agreed to, an application to determine program eligibility will be completed and submitted to the Coordinator. If a candidate is eligible, (s)he will be referred to Northern Human Service White Mountain Mental Health for an intake evaluation. Additional evaluations may be recommended. If the applicant is deemed eligible and agrees to enter the Program, a Treatment Plan incorporating the evaluations and input from the providers, prosecutor, defense counsel and applicant will be crafted. The Treatment Plan and an Agreement (for either TRACK 1 or TRACK 2) is signed by all necessary parties, and will then be presented to the Court for approval.

Am I required to enter the ASSERT Program?

No. This is a voluntary Program. A participant must sign an Agreement before entering the Program.

Do I have to go back to court?

Yes. An important component of the ASSERT Program involves periodic court review hearings with the ASSERT team to evaluate compliance and concerns with the Treatment Plan.

What happens if I do not comply with the Treatment Plan?

If the participant is found to be in noncompliance with the Treatment Program, then a modification may be ordered by the court or the participant may be terminated from the ASSERT Program. If a TRACK 1 participant is terminated from the Program, then a trial will be scheduled for the original charges. If a TRACK 2 participant is terminated from the Program, then a "Motion to Impose" hearing may be scheduled to see if the suspended/deferred sentence warrants imposition or other sanctions.

What else does the ASSERT Program involve?

Participants will work closely with the ASSERT Case Manager to maximize success in the program. Participants will follow through with any lab tests requested by the ASSERT team with the cooperation of the participant's doctor to ensure that he/she is taking their medications as prescribed and are not abusing medications or drugs. Refusal will be addressed by the ASSERT team and may result in sanctions.

What if I am also on probation as part of my sentence?

Participants will have to abide by the terms and conditions of probation, like anyone else on probation.

The Case Manager will include the probation officer on all progress reports and be available to answer any probation department questions.

What happens when the term for the ASSERT Program ends?

If a TRACK 1 participant has remained of good behavior and complied with the terms of his/her Treatment Plan, then a TRACK 1 participant's charges will be dismissed by the Court. If a TRACK 2 participant has remained of good behavior and complied with the terms of his/her Treatment Plan the sentence which had been suspended or deferred will not be imposed.

CONTACT INFORMATION

For further information on the ASSERT Program contact:

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New Hampshire Public Defender's Office
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2 Kittridge Lane
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(603) 444-7711 (phone)
(603) 444-1704 (fax)

Bethlehem Police Department
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Sugar Hill Police Department
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