

Project Title:

Billings Adult Misdemeanor Mental Health Court – interim funding for continuation and expansion

Brief Description of Project:

Pursuant to section 46-1-1201-1204 Montana Code Annotated, our legislature established the Mental Health Treatment Court Act. This legislation laid the groundwork for the state's first misdemeanor Mental Health Court.

Billings Adult Misdemeanor Mental Health Court (BAMHC) responds to the needs of nonviolent misdemeanants with mental illness within the criminal justice system in the City of Billings and is currently operating under a three year Bureau of Justice Assistance (BJA) planning and implementation grant that began September of 2008 and runs through August of 2011. The Court began taking clients in February of 2009. The length of the program is 15 to 18 months. The current funding period is too short to allow current clients to graduate and for the evaluator to show significant outcomes that will sustain local funding.

Mental illness in the City of Billings' criminal population has created alarm and concern in our community. Billings has a population of 105,845 people; the largest city in a state that is geographically the fourth largest in the U.S. According to the 2009 American Community Survey (ACS), 89.4% of Billings' residents are Caucasian. The largest minority population in Billings is American Indian/Alaskan Native at 4.2%. While the per capita income is higher than the state average, indeed 7.3% of the Billings population lives below the poverty level. Based on its population and according to national statistics, Billings has approximately 6,350 residents affected by serious mental illness (National Institute of Mental Health) www.nimh.nih.gov/health/topics/statistics/. Many offenders are diagnosed with or self-report serious mental illness or co-occurring disorders.

MMHST dollars would be used to bridge the gap between our implementation grant and long term state and local sustainability of the BAMHC. Interim funding would allow us not only to ensure our program continues to meet the needs of mentally ill offenders within our community, but also allow us to focus on program expansion through scientific outcomes.

Total Project Cost and Timetables:

BAMHC is requesting \$244,220.00 over a 2 year period. This timetable is made up of \$120,360 for the year beginning July 1, 2011 through June 30, 2012, and \$132,860 for the year beginning July 1, 2012 through June 30, 2013. The total project cost and timetable is detailed later in this application under the **Itemized Project Budget** section.

Organizational Information:

STAFF

Our existing team is cross-trained in problem-solving court models. We have also been selected as a National Association of Drug Court Professionals (NADCP) mentor court with which other teams will observe and train. The planning coalition has developed a preliminary strategic plan with measurable goals and objectives within the broad framework of the Ten Essential Elements of a Mental Health Court as established by the National Association of Drug Court Professionals (NADCP). Our team includes the municipal court judge, the specialty court coordinator, a prosecutor from the Billings City Attorney's Office, a public defender from the Office of the State Public Defender, two licensed probation officers, a Captain and Lieutenant of the Billings Police Department, a dual-licensed addiction counselor, and a case manager to coordinate continuous ancillary wrap-around support services.

MISSION

The Billings Adult Misdemeanor Mental Health Court (BAMHC) will strive to reduce recidivism of mentally ill offenders in the criminal justice system and provide community protection with a cost effective, integrated continuum of care through the development and utilization of community resources. The BAMHC will hold defendants accountable and will assist offenders to achieve long-term stability to become law-abiding citizens, and successful family/community members.

STRUCTURE AND HISTORY

BAMHC partners with community mental health and law enforcement and has developed a system that screens adult misdemeanor offenders with serious mental illness for eligibility into the mental health court. Diversion and treatment programs address the individual needs of the participants. BAMHC measures short term outcomes regarding maintenance of treatment and medication regimens, employment, education and family support. Long term goals will focus on independent living in a pro-social manner, reduced recidivism and increased sobriety.

Additionally, the Team and Community Crisis Center works with local law enforcement to provide Crisis Intervention Training for officers, and has developed a Law Enforcement Liaison (LEL) program for BAMHC participants and trains mental health and substance abuse providers in specialty courts diversion, in our effort to support community public safety.

Our participants have frequent court visits, attend treatment sessions geared to their particular needs and determined level of care, have access to their case manager, meet with probation weekly, as well as are appointed a Public Defender to act on their behalf. The services we have access to and assist clients with, include appropriate housing, medication services, vocational rehabilitation, veteran services, transportation needs, and applications for government benefits, to name a few.

BAMHC is a three phase program with minimum participation of one year. BAMHC participation is voluntary after the informed consent procedure has been completed. Currently we have 24 participants (up from 14 a year ago), with 5 individuals having recently successfully graduated from the court.

Organizational Financial Record:

The specialized Billings Areas Mental Health Court (BAMHC) is encompassed within the City of Billings Municipal Court budget. See spreadsheet entitled 'City of Billings Municipal Court Budget – FY 2010'

**City of Billings Municipal Court
Budget - FY 2010**

Salaries - Teamster & Mgmt	\$ 74,811.00
Wages	\$ 299,771.00
Longevity	\$ 893.00
Lead Worker	\$ 641.00
Care Program Pay	\$ 500.00
Management Overtime	\$ 2,000.00
Elected Salaries	\$ 129,438.00
Car Allowance	\$ 3,600.00
Subtotal:	\$ 511,654.00
Teamster Overtime	\$ 35,400.00
Holiday Hourly Worked	\$ 1,435.00
Subtotal:	\$ 36,835.00
Unemployment Ins.	\$ 1,601.00
Industrial Accident	\$ 4,729.00
Health Insurance	\$ 110,520.00
F.I.C.A.	\$ 34,006.00
PERS Retirement	\$ 38,524.00
Medicare	\$ 7,953.00
Life Insurance	\$ 630.00
Dental Insurance	\$ 1,492.00
Subtotal:	\$ 199,455.00
Office Supplies - Small Items of Equipment	\$ 9,000.00
Other Office Supplies	\$ 19,447.00
Postage, Box Rent, Etc.	\$ 12,600.00
Printing & Forms	\$ 7,000.00
Duplication Expense	\$ 7,820.00
Public Relations	\$ 1,000.00
Other operating supplies	\$ 1,700.00
Juror Fees	\$ 8,000.00
Witness Fees	\$ 2,820.00
Legal Services	\$ 10,000.00
Contract Software Maintenance	\$ 31,970.00
Mental Health Service-Offenders	\$ 50,000.00
Clothing & Uniforms	\$ 2,900.00
Computer Equipment	\$ 2,000.00
Publicity/Suscription	\$ 6,375.00
Telephone	\$ 20,274.00
Contract Labor	\$ 5,000.00
Management Training	\$ 7,550.00
Subtotal:	\$ 205,456.00
Billings Adult Misdemeanor Drug Court	\$ 82,828.00
Federal Earmark Biennium Funding	\$ 52,000.00
Billings Adult Misdemeanor DUI Court	\$ 205,000.00
Billings Adult Misdemeanor Mental Health Court	\$ 109,860.00
SAMHSA grant	\$ 292,902.00
JAG grant	\$ 37,500.00
Budget Total:	\$ 1,733,490.00

MMHST grant

Organizational Financial Record section

Applicant: BAMHC

Itemized Project Budget:

This continuation request is identical to the last two years of funding provided by the Bureau of Justice grant. See spreadsheet entitled 'Billings Adult Misdemeanor Mental Health Court Budget' with year 1 and year 2 columns.

Billings Adult Misdemeanor Mental Health Court Budget			
		Year 1	Year 2
Personnel (includes benefits)			
Coordinator \$15/hr X 20 hrs/week		\$ 22,000.00	\$ 24,000.00
Probation Officer .75 FTE @ 28,000		\$ 21,000.00	\$ 21,000.00
Dual Licensed Counselor/Case Manager 1.5 FTE @b 33,000		\$ 51,000.00	\$ 52,500.00
Pro-tem Judge 1 hr/week @ \$38/hr		\$ 2,000.00	\$ 2,000.00
Program Evaluator \$800/month		\$ 9,600.00	\$ 9,600.00
Travel		\$ 3,000.00	\$ 3,000.00
Medication		\$ 2,240.00	\$ 2,240.00
Crisis Stabilization		\$ 9,520.00	\$ 9,520.00
Total:		\$ 120,360.00	\$ 123,860.00
Total Budget Request	\$ 244,220.00		

Project Funding Plan and Goals:

The team has met to develop criteria and a planning strategy as we continue to explore future state and federal funding. Listed below are a few of the components of the team's current plan for those allocations. We are continuing to explore state and federal allocations. As shown in the above **Organizational Financial Record** section of this application, the Municipal Court budget has a \$50,000.00 allocation for mental health service for offenders. The court will continue to utilize this City general Fund allocation to specifically supplement the mental health court.

Billings in 2009 approved the establishment of a Municipal Treatment Court Administrative Fee. This fee requires \$25 as part of the disposition of all citations and complaints, criminal and traffic, in which a factual nexus to alcohol, dangerous drugs, controlled substances or drug paraphernalia exists. This surcharge is assessed to offset the administrative expenses or costs for operation of Billings Municipal Court Treatment Courts.

To date, the BAMHC has not charged participation fees of our clients. However, beginning in 2011, we will be assessing the financial resources of the clients and asking those who have the financial ability beyond SSI or SSDI benefits to pay monthly fees on an established sliding scale. The other two treatment courts (both Drug Court and DUI Court) have established fees which we believe help not only the court, but to involve the participant in feeling a greater ownership by a small financial investment in the program.

Trust Relevance:

We are aware that the Eli Lilly punitive damages case is based on a settlement the pharmaceutical company made in response to allegations they marketed and sold the drug Zyprexa for unapproved, off-label uses. It was also ascertained that Eli Lilly knew the drug put patients at risk for developing severe and harmful health conditions (hyperglycemia, diabetes, pancreatitis, cardiac problems, and more) yet failed to warn physicians and consumers of these dangers. It has also been said the company encouraged and authorized unlawful payments of illegal kickbacks to doctors in an effort to further generate Zyprexa sales.

The BAMHC mission fits squarely within the distribution plans for the money which establishes the MMHST. Under the **Mandatory Distributions** portion of the trust's regulations, BAMHC goals and objectives fit 5 out of 6 of these categories (excluding just #5, as our particular court caters to adults). Additionally, our mission also parallels that of the **Discretionary Distribution** provisions of the MMHST, as we provide "programs, services and/or resources dedicated to the prevention, treatment and management of mental illness in Montana adults and children." The BAMHC has among our team and community member organizations, qualified people who are skilled in drug therapy. These individuals take learning about new drugs which could aid the mentally ill, very seriously by staying informed, plus attending conferences and workshops to further their knowledge in providing the best care possible.

BAMHC is in its final year of the initial 3 year grant. Individuals with serious mental illness in Montana are disproportionately exposed to the criminal justice system, often as a result of challenges with access and opportunity in relationship to treatment. BAMHC is a viable and successful alternative to incarceration and provides an opportunity for access to appropriate and effective treatment, skills, and the reduction of stigma.

Project Staff:

Please note that all of our staff members are fully trained and in place. Our judge was recently elected to serve as judge in the 13th Judicial District and will begin her term in January of 2011. Currently, applications are being accepted to fill her role that will be vacant in the Municipal Court. An appointment will be in place by December 20, 2010.

Judge Mary Jane Knisely – 13 years judicial experience
Laura Hopkins (MHC Coordinator) – 1 year
Autumn Hicks (Treatment Court Support) – 4 years
Curtis Bevolden (Prosecuting Attorney) – 26 years
Katie Barber (Defense Attorney) – 6 years
TJ Vladic (Police Captain) + Mark Cady (Law Enforcement Officer) – 45 years combined experience
Erin Unruh (Treatment) – 3 years
Adam Flores + Tonya Punt (Probation) – 18 years combined experience
Angie Stewart (MHC Case Mgr. - Community Crisis Center) – 16 years

Future of Project:

The clients will remain plugged into services for a lifelong illness. They receive case management and treatment skills that will help them with pro-social behaviors, cost effective services and halt recidivism. The federal and state mental health system and the City of Billings will be approached for funding based upon the continued documented successful outcomes.

Evaluation Plan:

The BAMHC evaluation plan includes two aspects: 1) an ongoing process evaluation to determine if the program is meeting its goals and objectives; and 2) an outcome evaluation gathered by administering pre and post-tests to measure specific variables of each BAMHC candidate and participant.

Cary Heck, Ph.D., from the Department of Criminal Justice at the University of Wyoming has been contracted to manage our evaluation. Dr. Heck has created a data base, supported by the statewide detention repository and Full Court MIS to assist the outcome of this program, analyze and report on goal attainments and BJA performance measures. Our program has 2 years worth of data and bi-annual evaluations from which to build a 5 year evaluation.

FULL DESCRIPTION OF PROJECT**Background:**

In Montana, care for the mentally ill is hampered by a chronic shortage of providers, resources, inadequate number of psychiatric hospital beds and a constant challenge to provide quality services in such a large geographic region (National Alliance for the Mentally Ill-NAMI, 2005). By default, law enforcement continues to use jail beds for non-violent, mentally ill offenders. Incarceration interrupts treatment and forces mentally ill inmates to lose benefits. Further decomposition aggravates mental health conditions and axiomatically increases repeat involvement in the criminal justice system. Astoundingly, the Montana Department of Corrections remains the largest provider of mental health services in the state. In 2006, NAMI again rated Montana an "F" on its report card concerning mental health and justice issues citing

Montana's suicide rate, the 3rd highest in the nation, and identified as urgent, the need for jail diversion, Crisis Intervention Training, services for Native Americans and crisis beds.

Problem or Opportunity:

At the 2008 GAINS Conference, it was reported that without effective support and a continuum of services, mentally ill offenders who have a 60% recidivism rate, are more likely to have a deferred or suspended sentence revoked and face longer terms of incarceration with each new offense or probation violation. The GAINS Center underscored that the punitive nature of a jail's atmosphere causes undue stress to those with mental illness, aggravating their condition and potentially causing permanent harm by increasing treatment resistance. These findings are consistent with the data assessment of YCDF's jail-based counselor, who notes that the same 70+ inmates with a mental illness are part of a misdemeanor "revolving door" of criminal justice. The chronic offender commits a crime, pleads or is convicted, serves his or her sentence, then re-offends within weeks, days, or even hours after release. Despite the system's efforts, Billings Municipal Court 'traditional' track currently has a limited ability to improve the lives of individuals with mental illnesses. Without the MMHST funding, continuation of this specialized mental health docket is not feasible, nor will it be able to expand.

It has taken 2 years to get this successful alternative program in place. The community support is tremendous. The criminal justice culture has changed to embrace this specialized mental health docket and make referrals due to the credibility achieved.

As the largest city in the state, Billings is fortunate to have a strong medical and mental health community, law enforcement that is well funded by a public safety mill levy and many ancillary service providers. With financial assistance, we have been able to pull these resources together to serve the mentally ill criminal offender. Previously, lack of coordination and duplication of services had hindered judicial ability to stop the "revolving cycle". In an effort to stop the "cookie cutter" ineffective sentencing in traditional adversarial court docket, our team has successfully refined the Mental Health Court and taken this specialty court to an enhanced level of awareness relied upon by the community.

Your Plan and Expected Results:

Billings Municipal Court of Montana, in cooperation with the Rimrock Foundation, Community Crisis Center, Billings Mental Health Center, Montana Board of Crime Control and Yellowstone County Detention Facility, has established the Billings Adult Misdemeanor Mental Health Court (BAMHC).

BAMHC continues to identify cases of defendants with mental illness at sequential intercept points that lead to diversion, alternative prosecution, and sentencing programs. The vision for BAMHC is driven by a belief that public safety will be enhanced through assessment, early intervention, ongoing case management, service delivery, and appropriate use of detention for serious offenders.

Given continued funding, our plan is to expand to allow our Mental Health Court to operate and to serve our mentally ill citizens. Additional funding will allow us to explore other Federal expansion grant opportunities, as well as state and local options. The additional time is necessary to allow more people to successfully graduate, plus allows for a greater timeline for evaluations to take place to prove reduction in recidivism. Moreover, our expansion of the BAMHC would include designated Program of Assertive

Community Treatment (PACT) team slots to provide wrap-around services for the most severe of our clients needing more intense managed care. PACT team slots would also be an alternative for long-term inpatient hospitalization or institutionalization <http://angiemindy.tripod.com/>. Plans also include expanding to 50 clients, just as did both the Drug and DUI Courts over time. This natural growth would entail additional hours for our coordinator.

Project Significance to You and Others:

With an additional 2 years of mental health court funding, this alternative to incarceration for mentally ill offenders will become a viable option to the Billings community. Non-violent offenders will be placed in a program which affords them the opportunity to manage their mental illness through access to services, breaking the cycle of petty crime. With five years of evaluation, the court will be in a position to redefine the most successful ways to divert these offenders from the costly jails that only cause them to decompensate.

Future of the Project – Sustainability:

The BAMHC will partner with our state-wide allies to pursue funding critical to the sustainability of our program using evaluation reports. The Billings Municipal Court system has a solid history of collaboration with the Montana Board of Crime Control, and Montana Supreme Court Administrator's Office which support the community's design of a pilot mental health court program. The most significant indicator of program sustainability is the Governor's commitment to enhancing mental health services for Montana residents, with an emphasis on the development of criminal justice diversion programs that will lead to productive living of persons with a mental illness. The chief administrative officer of the Community Crisis Center sits on the Service Area Committee, which approaches legislators with a selected list of legislative priorities for the coming year. The BAMHC's strategic plan included an information forum with the Billings Legislative Delegation in December of 2008, where the needs of the mentally ill were presented in conjunction with a discussion of specialized mental health courts by the statewide court coordinator.

The BAMHC's coalition partners will also be approached to help shoulder and sponsor some components of the mental health program. Active registration of participants, who qualify for Medicare and Medicaid, will also reduce costs of prescription medicines significantly.

Finally, city and county annual funding will be sought by showing a decrease in jail costs, law enforcement contacts, and emergency medical service usage established by program evaluation. The court steering committee will also seek private donations and partnerships with local service club organizations. Lastly, the team will seek a local government surcharge on court cases to fund the Billings Adult Mental Health Court.

References:

Judge Mary Jane Knisely – Municipal Court Judge
Mona Sumner – Rimrock Foundation
Rich St. John – Chief of Police

Signature:

City Administrator Tina Volek:

Christina Volek

Date:

12/3/10