

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM: 3.24
(ID # 15626)**

MEETING DATE:
Tuesday, July 20, 2021

FROM : PROBATION:

SUBJECT: PROBATION DEPARTMENT: Approve the Memorandum of Understanding for the Operation of Riverside County Mental Health Court entered into by and between Riverside University Health System- Behavioral Health, the Superior Court of California-County of Riverside, the Riverside County Public Defender, the Riverside County Criminal Defense Lawyers, the Riverside County Desert Conflict Panel, the Attorneys of the Law Office of Virginia M. Blumenthal, the Riverside County District Attorney and the County of Riverside Probation Department, All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and Authorize the Chief Probation Officer or his designee, to execute the attached Memorandum of Understanding for the Operation of Riverside County Mental Health Court; and
2. Authorize the Chief Probation Officer, or his designee, to execute renewals and future ministerial amendments of the Memorandum of Understanding for the Operation of Riverside County Mental Health Court through June 30, 2025, as approved as to form by County Counsel.

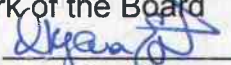
ACTION:Policy


Ronald L. Miller, Chief Probation Officer 6/23/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Spiegel duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: July 20, 2021
xc: Probation

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS:			Budget Adjustment:	No
			For Fiscal Year:	2021-2022

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The County of Riverside Probation Department (Probation) mission is "Serving Courts, Protecting our Community, Changing Lives." Probation accomplishes this mission by working towards a mutual goal of providing a collaborative process with other agencies to assess and maximize resources through programs and services to reduce recidivism and promote public safety through enhanced probationary supervision of participants.

To carry out the operation of the Riverside Mental Health Court (MHC) program, Probation along with the Riverside University Health System-Behavioral Health, the Superior Court of California, the Riverside County District Attorney, the Riverside County Public Defender, the Riverside County Criminal Defense Lawyers, the Riverside County Desert Conflict Panel and the Attorneys of the Law Office of Virginia M. Blumenthal, collaboratively developed a plan for the case processing, treatment, and monitoring of mentally ill criminal offenders to be processed through the Court and referred to appropriate services to ensure supervision and continued success in the program.

Probation is seeking authorization for the Chief Probation Officer or his designee, to execute the MHC Memorandum of Understanding, any future renewals, and amendments, through June 30, 2025, and for which no money is exchanged, involving Probation to provide services for the mentally ill criminal offenders, as approved by County Counsel.

Impact on Residents and Businesses

The MHC was created upon the premise that, in some cases, mental illness is a significant contributor to criminal behavior and that the program can rehabilitate participants, thereby reducing recidivism, and protecting the community.

ATTACHMENTS:

Operation of Riverside County Mental Health Court (MHC) MOU

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

Cherilyn Williams
Cherilyn Williams

7/12/2021

Gregory L. Priamos
Gregory L. Priamos, Director County Counsel

7/8/2021

WHEN DOCUMENT IS FULLY EXECUTED RETURN

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010

Post Office Box 1147, Riverside, Ca 92502-1147

Thank you.

MEMORANDUM OF UNDERSTANDING

for the Operation of:

RIVERSIDE COUNTY MENTAL HEALTH COURT

THIS MEMORANDUM OF UNDERSTANDING is entered into by and between **Riverside University Health System – Behavioral Health** (hereinafter "RUHS-BH"); the **Superior Court of California, County of Riverside** (hereinafter "COURT"); the **Riverside County Public Defender** (hereinafter "PD"), the **Riverside County Criminal Defense Lawyers** (hereinafter "CDL"), the **Riverside County Desert Conflict Panel** (hereinafter "DCP"), the **Attorneys Working on Behalf of the Law Office of Virginia M. Blumenthal** (hereinafter "VMB") - collectively referred to as ("DEFENSE COUNSEL"); the **Riverside County District Attorney** (hereinafter "DA"); and the **Riverside County Probation Department** (hereinafter "PROBATION"); and is based on the following representations and statements of purpose:

- A. WHEREAS, the Riverside County Mental Health Court (hereinafter "MHC") has as a primary goal to address the proper assessment, sentencing, supervision and appropriate placement of criminal defendants suffering from mental health issues by supporting and implementing best practices of appropriate treatment "sentencing" and case management for the target population; and
- B. WHEREAS, any person suffering from mental illness and charged with a criminal offense shall appear in court and, if eligible, will be offered the sentencing alternative of participating in the MHC program. If the defendant consents to participation in the MHC, the defendant will be informed by the Judge of the COURT'S decision. If the defendant pleads not guilty to the charges or does not want to participate in the MHC, the defendant will be processed through the usual judicial system; and
- C. WHEREAS, the defendant has voluntarily agreed to participate in the MHC as a condition of formal probation, and as recommended by RUHS-BH, the COURT shall require mandatory participation in the recommended mental health treatment plan; and
- D. WHEREAS, the carrying out of the COURT'S orders through services provided by the Defense Counsel, DA, PROBATION, and RUHS-BH (hereinafter "Parties") are vital to the implementation and success of the program.

NOW, THEREFORE, Participants mutually agree as follows:

I. PROGRAM SCOPE

The purpose of this Memorandum of Understanding(MOU) is to memorialize the Parties' willingness to cooperate in implementing the MHC. The Parties have worked in an interagency collaborative process in the development of the Plan for the case processing, treatment and monitoring of mentally ill criminal offenders. Defendants will be processed through the COURT and referred to appropriate services. Parties will work cooperatively to benefit mentally ill clients as ordered by the COURT within the context of their court status,

holding them accountable to comply with the COURT'S orders and the conditions of probation. This MOU stands as evidence that the Parties intend to work together toward the mutual goal of providing a coordinated and collaborative response to meet the purposes enumerated below. To this end, each Party agrees to participate in the MHC program, attend meetings coordinated by the COURT, and support the objectives of the program described herein.

This MOU does not create any legal rights; does not create or impose any legal obligations or responsibilities on the Parties; does not eliminate, alter, or expand any duties or responsibilities otherwise imposed or enacted by law; and does not allow for any cause of action in the event of a purported breach of this MOU.

This MOU provides the framework for the operation of the MHC program, which operates under the following mission, vision and goals:

Mission: To reduce recidivism and protect public safety by collaboratively addressing and treating the mental health needs of program participants and providing adequate supervision of participants to ensure success in the program.

Vision: To promote accountability, integrity, independence and personal development for participants through supervision and treatment using a multi-disciplinary approach that is responsive to the needs of the participants and the community.

Strategic Goals: The goals of the MHC program are to: (1) reduce recidivism; (2) promote public safety through enhanced probationary supervision of participants; (3) promote the fair and appropriate sentencing of defendants who suffer significant mental health problems that contributed to their criminal behavior; (4) reduce the financial and public safety costs related to repeated revocations of supervision; (5) utilize rehabilitative programming; and (6) collect relevant data regarding participant progress and overall program success.

The MHC was created upon the premise that, in some cases, mental illness is a significant contributor to criminal behavior and that the program can rehabilitate participants, thereby reducing recidivism, and protecting the community. The program seeks to do the following:

- Emphasize achieving the desired goals without using the traditional adversarial process;
- Identify defendants early and promptly provide access to treatment in the program;
- Provide access to a continuum of services, including treatment and rehabilitation services;
- Monitor defendant compliance frequently;
- Coordinate a strategy that governs the court's responses to defendants' compliance, using a system of sanctions and incentives to foster compliance;
- Provide ongoing judicial interaction;
- Evaluate the achievement of program goals and gauge effectiveness;
- Attend continuing interdisciplinary education; and

- Forge partnerships among collaborative justice courts, public agencies, and community-based organizations to increase the availability of services, enhance the program's effectiveness, and generate local support.

In addition, the Parties understand that effective collaborative justice courts emphasize a team and individual commitment to cultural competency. Awareness and responsiveness to diversity and cultural issues help ensure an attitude of respect within the collaborative justice court setting.

II. MHC ADMISSION PROTOCOLS

Referred defendants are reviewed, evaluated and discussed by the Parties, consisting of the DEFENSE COUNSEL, DA, RUHS-BH, PROBATION and the COURT. All members of the collaborative justice courts will participate in the discussion for eligibility. The process consists of three parts:

- **Determining Eligibility:** Upon referral to MHC, the RUHS-BH may provide Mental Health Report (MHR) assessments to DA, DEFENSE COUNSEL and COURT. This is to assist the DA, DEFENSE COUNSEL and the COURT to determine whether the defendant will legally receive a grant of probation. After the hearing, if the COURT determines that the defendant will legally receive a grant of probation, the case will then move onto the MHC Committee for suitability evaluation of the defendant to the MHC program.
- **MHC Evaluation and Committee Recommendation:** After probation eligibility is determined by the COURT, parties will meet and discuss whether defendant is a suitable candidate for MHC.
- **A Court Hearing** in which an attorney representative for the defendant and a representative from the DA will then appear before the COURT for it to decide the final acceptance/denial based upon suitability.

Each Party in the collaborative justice courts shall exercise good faith in evaluating each candidate on their individual merits.

Despite the listed criteria, defendants are accepted and rejected on a case-by-case basis, and acceptance and rejection is at the discretion of the COURT. Even if a defendant may technically meet eligibility requirements, he/she may nonetheless be refused entry into the program. Although all Parties provide input, acceptance or rejection is ultimately determined by the COURT if probation eligible.

A. Determining Eligibility

1. Eligibility Criteria

- a. The defendant must be an adult, 18 years or older, charged with, or convicted of, a misdemeanor or felony, or alleged to have violated probation, violated mandatory supervised release, or violated post-release community supervision.

- b. The defendant must be able and willing to participate in all required activities as ordered by the COURT.
- c. The defendant must be charged with or convicted of a crime for which he or she could legally receive a grant of probation. If the DA indicates a willingness to enter into a plea agreement pursuant to which any charge or allegation that disqualifies the defendant from receiving probation would be dismissed, then the defendant may be found eligible for referral to the MHC program, despite the pendency of the disqualifying charge. In addition, if the COURT believes there is a reasonable probability that disqualifying charges or allegations could be dismissed, stricken, or reduced upon appropriate exercise of judicial authority, then a defendant may be found eligible for referral in anticipation of the probable exercise of such authority.
- d. There must be reason to believe that the defendant has a serious mental health disorder or disease as defined in the Diagnostic and Statistics Manual V (DSM-V), and Title 9, California Code of Regulation, Chapter 11, Article 2, Section 1830.205, and that the mental condition is a significant factor contributing to his or her criminal behavior. The defendant must be 30 days compliant with medication, if prescribed, prior to being accepted to the MHC Committee for suitability determination.
- e. The defendant has indicated a willingness to participate in the program and to comply with mental health probation terms in the event the COURT ultimately decides to grant the defendant such probation. Typically, this willingness will require an indication from the defendant that the defendant is prepared to plead guilty to the court or pursuant to a plea agreement that the DA has indicated a willingness to offer.
- f. The defendant must be competent, within the meaning of Penal Code section 1368, and express willingness participate in MHC, unless the defendant is a candidate for I.S.T. diversion program, pursuant to 1001.36(b)(1)(D). Insight as to mental illness is not required to participate in MHC.
- g. Notwithstanding the above, upon noticed motion and hearing, the COURT may make findings or issue orders that render the defendant statutorily eligible for probation. Any motion that potentially renders the defendant eligible for probation, must be decided prior to an evaluation by the parties for MHC Committee, or the DA may agree to amend the charge.
- h. Despite the listed criteria, defendants are accepted and rejected on a case-by-case basis; the decision of acceptance or rejection to the MHC program is at the discretion of the COURT. Even if a defendant may technically meet the eligibility requirements, he/she may nonetheless be refused entry into the program. Although all parties provide input, the acceptance or rejection is ultimately determined by the COURT, so long as they are probation eligible.

2. Exclusionary Criteria

The decision to exclude will be made by the COURT but only after discussions with DA, DEFENSE COUNSEL and PROBATION, if appropriate. If it is determined that the defendant cannot be safely released under supervision and in an outpatient treatment setting, the defendant may be excluded.

a. Cases involving the following criteria will not be considered for MHC:

- (i.) Mentally Incompetent
- (ii.) Juvenile
- (iii.) State Parolee, except in unusual circumstances pursuant to California Rules of Court 4.413.
- (iv.) Penal Code 290 registrant, except in unusual circumstances pursuant to California Rules of Court 4.413, on a case-by-case basis.
- (v.) Required to register as an arson offender, except in unusual circumstances pursuant to California Rules of Court 4.413, on a case-by-case basis.
- (vi.) Has felony holds, detainers, or warrants by Riverside County or any other jurisdiction, unless the holds, detainers or warrants can be resolved so that the defendant may participate in MHC
- (vii.) Is identified as an active gang member or associate.

3. Requirement Of Approval By All Parties:

- i. The following ineligible cases may only be referred for an evaluation by the MHC Committee with approval by ALL Parties (DA, DEFENSE COUNSEL, COURT) at the probation eligibility hearing:
 - (i.) Serious and violent felony offenders pursuant to Penal Code section 667.5(c) and 1192.7.
 - (ii.) Currently charged with a sexual offense (as specified in PC 290(c); and violation of Sex Offender Registration per PC 290).
 - (iii.) Charged with Use of a Firearm.
 - (iv.) Those who have been denied, terminated or graduated from a MHC program in the previous 5 years.

B. Referring, Evaluation and Recommendation Procedure

1. Referring Potential Participants:

Prosecutors, defense attorneys, or probation officers may request any defendant who appears to be eligible (See Section "Eligibility Criteria" above) be referred to MHC. Upon receiving such a request, the COURT may consider any reliable relevant information in deciding whether to make a referral, including:

- Court records;
- Official Criminal History Information (CLETS or Federal Rap Sheets); and
- Reliable information pertaining to the defendant's mental health and social history.

If the COURT concludes, based on the information presented, that there is

a reasonable likelihood the defendant will be found suitable for the program, the case should be referred to MHC.

The following factors should be considered in deciding whether to make a referral:

- a. Whether the defendant suffers from a mental disorder, as defined in the DSM-V, aside from, or in addition to dependence on alcohol and/or a controlled substance, believed to have contributed in a significant manner to his or her criminal offending;
- b. Whether the mental disorder is of the nature that suitable treatment may be available; and
- c. Whether the defendant has indicated that he or she is amenable to treatment and willingness to participate in MHC.

2. Evaluation and Committee Recommendation

Upon being referred to MHC, the COURT shall conduct a second confirmatory screening of the referred defendant's apparent suitability for the program. Unless it is readily apparent that the defendant is ineligible for inclusion in the program, the COURT shall refer the matter to RUHS-BH for a MHC Evaluation report.

When the evaluation is completed, the RUHS-BH's confidential report should be served on defendant's counsel, the DA, PROBATION, and filed confidentially with the COURT. The COURT shall conduct a hearing at which all interested parties shall have the opportunity to be heard as to the defendant's suitability for inclusion in the program. The DA and defense reserve the right to present evidence at the hearing. At the conclusion of the hearing and after considering the report of RUHS-BH, the COURT shall decide whether, based on the factors enumerated in California Rules of Court, Rule 4.414, it is willing to grant the defendant probation upon a guilty or no contest plea.

If the defendant is found eligible and suitable for the program, he or she should be admitted into the program and placed on probation with mental health terms, in addition to the standard terms and conditions of probation. The reasons for granting probation shall be stated on the record in open court.

a. Procedure:

- (i.) At least 1 week prior to the MHC session, the DEFENSE COUNSEL will notify the DA of the referred case name and case number.
- (ii.) The DA will review the case for any amendments to the complaint or information, and for any applicable eligibility factors and exclusions. The DA will communicate to the COURT and DEFENSE COUNSEL any prohibitions or exclusions to the case being evaluated for MHC.
- (iii.) After a determination is made by the COURT that the case is eligible and not excluded for MHC, and the DA notifies the COURT that no

further amendments will be made to the complaint or information, the COURT will issue a protective order.

- (iv.) will submit a referral packet to RUHS-BH to evaluate the defendant for MHC.
- (v.) The case will be set for a committee meeting where the parties will discuss the reports submitted and provide a recommendation for suitability to the COURT.

b. Reports furnished to the MHC parties:

- (i.) RUHS-BH will conduct a review of the defendant's case and provide assessment and progress reports, at least 1 week prior to the MHC Committee meeting, which details the following:

1. The current mental health diagnosis;
2. Prior mental health history;
3. Any prior diagnosis;
4. Current and prior medication;
5. Jail mental health records including medication compliance;
6. Jail behavioral records;
7. Prior hospitalizations;
8. Interviews with family regarding the defendant's mental health history;
9. Interview with the defendant regarding his current mental state, his mental health history, and facts of the criminal case;
10. The defendant's substance use history;
11. A proposed treatment plan which accounts for the duration of the MHC program. (The COURT will make the decision, with the input of all concerned Parties, whether to accept the treatment plan as proposed, modify the proposed plan or reject the plan);
12. A declaration of compliance with APA guidelines for forensic evaluations; and
13. Any other information that pertains to the defendant's mental health and possible treatment.

- (ii.) PROBATION will conduct a review of its own records, and provide a report, at least 1 week prior to the MHC Committee meeting, evaluating whether a grant of probation is appropriate in the case, and the defendant's likelihood of success on probation.
- (iii.) The DA will provide a summary of the current case, as well as a summary of the defendant's prior criminal history.

c. Committee Meeting and Recommendation:

- (i.) The MHC parties will discuss the above reports and any other information pertinent to the defendant's eligibility and suitability for MHC.
- (ii.) At the conclusion of the committee meeting, RUHS-BH will provide a recommendation to the COURT regarding the defendant's eligibility and suitability for MHC.
- (iii.) PROBATION will provide a recommendation to the COURT regarding the defendant's suitability for a grant of probation, as well as the defendant's eligibility and suitability for MHC.

The parties agree that they will endeavor to provide timely action during the assessment process. Once a defendant is referred to MHC for program assessment, the DEFENSE COUNSEL will send information related to the defendant to RUHS-BH for program consideration. This should be done within three court days of the date the COURT referred the defendant to RUHS-BH. For example, if the COURT refers a defendant to RUHS-BH for assessment on a Friday, the should send documents to RUHS-BH by the close of business on the following Wednesday. RUHS-BH shall render a final decision regarding eligibility within three weeks of the date that the RUHS-BH receives the referral packet.

Recommendation Procedure

1. There will be a total of (4) four recommendations made when determining a client's eligibility for the program, (1) one from each of our collaborative partners (DEFENSE COUNSEL, DA and PROBATION) and (1) from RUHS-BH.
2. The recommendation by RUHS-BH will be made prior to the next MHC Committee meeting and will based upon the overall opinion of those RUHS-BH staff who are present during that meeting as representatives of their respective program(s).
3. In the event additional information is provided during the MHC Committee meeting, either the Mental Health Court Supervisor or the program's Senior Clinical Therapist may render a decision and alter the previously agreed upon RUHS-BH recommendation based upon this new information. Should the program Supervisor or the Senior Clinical Therapist be unavailable during either the Indio or Temecula MHC Committee Meetings, the Clinical Therapist II may

weigh the new information and render the decisive recommendation, altering the RUHS-BH recommendation.

C. Suitability Hearing

1. At the suitability hearing, the COURT shall consider the following:

a. Recommendation of the MHC Committee;

b. Defendant's criminal history;

c. Defendant's history of mental illness;

d. Seriousness of the offense;

e. Amenable to treatment;

f. Interests of the victim;

g. Risk of danger to public safety;

h. Whether the defendant can be safely treated within the community; and

i. Whether the defendant is an appropriate candidate for probation and the likelihood of success on probation.

III.

RESPONSIBILITIES

A. In order to promote the Mission, Vision, and Goals of the MHC program, each Party will:

1. Provide project staff to coordinate, plan, and collaborate for services within their expertise. Designate a lead individual for questions pertaining to this MOU and the duties thereof;
2. Attend regularly scheduled meetings to discuss the program;
3. Allow parties to have meaningful time for review of the cases and issues prior to disposition;
4. Provide relevant participant-level data when requested by the COURT.
5. Work together to determine individualized incentives, rewards, and sanctions for MHC participants, as necessary;
6. Maintain and reevaluate phase advancement criteria;
7. Maintain and reevaluate MHC graduation criteria;
8. Meet semi-annually to update MHC procedures, practices, and forms, if necessary.

- B. The individual team member's responsibilities will involve, but may not be limited to, the following:

1. RUHS-BH:

RUHS-BH shall conduct assessments of potential program participants and participate in MHC Committee and team meetings. RUHS-BH will provide case management and treatment services for participants and provide referrals to community-based organizations that provide specialized mental health counseling for eligible clients, employment, education, vocation, and housing programs. The case managers shall be responsible for providing written updates to the court at each progress hearing. Such reports shall include information related to each participant's progress in the program.

It is agreed that RUHS-BH will:

- a. Provide a representative for all MHC sessions;
- b. Obtain written consent by the defendant to release mental health information/records to the COURT;
- c. Correspond with the MHC team to discuss referred defendants;
- d. Complete a comprehensive evaluation of referred defendants for eligibility in MHC, to include reviewing available historical records, obtaining information about the underlying criminal case and criminal history, interviewing candidates both in and out of custody, conducting collateral interviews, if appropriate, and assessing cognitive ability to participate;
- e. When appropriate, provide a diagnosis by a qualified mental health expert that complies with the APA (American Psychological Association) rules on forensic evaluations.
- f. Provide a Mental Health Report (MHR) assessment to the MHC team will within 30 days of the initial request and before the MHC session, with a recommendation for acceptance or rejection from MHC. The MHR shall contain:
 - (i.) Psychosocial history
 - (ii.) Treatment compliance overview, both in/out custody
 - (iii.) Available resources, and
 - (iv.) History of substance use
- g. Create an individualized treatment plan with specific treatment goals, to later be approved by the COURT. Communicate this plan to the MHC team. Make modifications to the plan as ordered by the COURT and communicate modifications to the MHC team. Keep the MHC team apprised of defendant's progress toward his/her goals.

- h. If a defendant is assessed and rejected from MHC, provide a recommendation for alternative treatment options, if applicable.
- i. Upon COURT order, implement the treatment recommendations put forth by RUHS-BH on the date of sentencing. This would include: arranging the initial outpatient appointment prior to the day of release, providing a 30 day prescription for mental health medication, picking the defendant up from the predetermined jail location upon release, escorting the client to their assigned Probation Officer's office location escorting the defendant to their initial Mental Health Outpatient appointment, and then escorting the client to their pre-arranged housing accommodation.
- j. Provide 24/7 clinical case management and mental health services to MHC participants. Provide mental health therapeutic services, Medication Assisted Treatment (MAT), housing assistance, employment assistance, and education assistance. Provide controlled substance and alcohol testing;
- k. Provide the MHC team with progress reports, as appropriate, for each MHC participant. Provide recommendations for phase advancement and graduation for each MHC participant; and organize MHC graduation ceremonies as needed;
- l. Implement appropriate graduated sanctions and incentives;
- m. Capture and report statistics on a quarterly basis based upon the factors determined by the MHC team, including but not limited to the number of MHC referrals, participants, rejections, and disqualifications; MHC population demographics; participants' diagnoses; number of relapses; rate of recidivism within two calendar years; number of MHC participants in the Alumni Program;
- n. Create an individualized Aftercare Plan for each MHC graduate, including but not limited to an ongoing treatment plan, and share said plan with the MHC team;
- o. Create and provide to the MHC team the annual schedule of MHC meetings.

2. DISTRICT ATTORNEY:

The DA will represent the People by participating on the MHC team and contributing information relevant to screening and termination decisions.

It is the agreed that the DA will:

- a. Provide a Deputy District Attorney for all MHC sessions;
- b. Correspond and meet with the MHC Team to discuss the referred defendants;
- c. Correspond with DEFENSE COUNSEL to discuss the disposition of cases referred to MHC;

- d. Correspond with to discuss the contract terms for defendants accepted into MHC.
- e. Evaluate on an individual basis whether a MHC defendant's contract should include dismissal of charges, reduction of charges, and/or early termination of probation upon successful completion of MHC.
- f. DA shall, along with the COURT, DEFENSE COUNSEL and PROBATION, review the RUHS-BH's treatment plan and make recommendations to the COURT on its sufficiency
- g. Maintain contact and communication with all victims, in compliance with Marsy's Law.

3. PROBATION

PROBATION will participate on the MHC team by conducting screening investigations, including actuarial risk assessments, and provide the relevant information to team members; supervise participants on probation with the mission and goals of the program and public safety in mind; conduct home checks and drug tests to ensure participant compliance; and work with law enforcement to supervise participants' compliance with court-ordered conditions.

It is agreed that PROBATION will:

- a. Provide a Deputy Probation Officer for all MHC sessions;
- b. Correspond with the MHC team to discuss referrals;
- c. Provide the MHC team the referred defendants' probation assessment reports prior to acceptance/denial;
- d. PROBATION shall, along with the COURT, DA and DEFENSE COUNSEL, review the MHC's treatment plan and make recommendations to the COURT on its sufficiency.
- e. Provide the MHC team with progress reports on a monthly basis;
- f. Supervise MHC defendants. Monitor compliance as resources permit, which includes regular client contacts, field visits, and attending hearings, if possible;
- g. Provide controlled substance and alcohol testing, including SCRAM (if applicable).
- h. Advocate for the defendants in contacting case managers and treatment providers.
- i. Relay compliance information received from treatment providers to the COURT.
- j. Return cases to COURT for disposition if it is determined the defendant has violated the terms and conditions of probation.
- k. Consult with the Mental Health staff as case dynamics develop and participate in planning case management steps.

4. PUBLIC DEFENDER/CDL/VMB/DCP (DEFENSE COUNSEL)

DEFENSE COUNSEL will represent participants in court, participate on the MHC team, attend MHC Committee meetings, prepare treatment plans in cases where the participants are not eligible for RUHS-BH services, provide evidence to the parties regarding the acceptability of a potential participant, and participate in treatment team meetings with RUHS-BH representatives and the participant.

It is agreed that DEFENSE COUNSEL will:

- a. Provide an attorney for all MHC sessions;
- b. Represent the defendant and advocate for their position in court. The attorney assigned to MHC shall have appropriate education and training in handling the mentally ill.
- c. Alert the MHC team to defendants referred to MHC and provide the names, case numbers, and referral forms at least two weeks prior to the MHC session;
- d. Provide legal counsel to individuals, including reviewing all cases, verification of program accomplishments, negotiations for disposition with the prosecuting agencies, and negotiation of the defendant's MHC contract;
- e. Provide the DA, the COURT, and the defendant with a copy of the individual's signed MHC contract;
- f. Obtain a waiver of confidentiality from the referred MHC defendant so that the MHC team may freely exchange and discuss amongst itself any relevant confidential information, including but not limited to mental health, medical, criminal history, and criminal case information;
- g. DEFENSE COUNSEL shall, along with the COURT, DA and PROBATION, review the RUHS-BH's treatment plan and make recommendations to the COURT on its sufficiency.

5. SUPERIOR COURT

It is agreed that the COURT will:

- a. Hold MHC Committee meetings once per week.
- b. Designate a judicial officer, deputy and court room clerical staff for the court session;
- c. Hold court sessions to adjudicate matters with regard to MHC. Adjudicate the violations of probation with input from the DA, DEFENSE COUNSEL and PROBATION

- d. Cause the RUHS-BH supervisor to be notified of all referrals by electronic mail. This notification will include all pertinent and relevant information concerning the case (i.e., current charges and limitations.)
- e. Be provided with a RUHS-BH proposed treatment plan. The COURT will make the decision, with the input of all concerned agencies, whether to accept the treatment plan as proposed, modify the proposed plan or reject the plan.
- f. Order the mental health treatment plan, if accepted.
- g. Provide final approval of acceptance or denial of defendant's participation in MHC;
- h. Work cooperatively with other participants to process all eligible defendants through the court system to ensure expedition and timeliness of cases as prescribed by California Rules of Court, Standards of Judicial Administration, and as required by law.
- i. Provide a courtroom for MHC graduation ceremonies;
- j. Provide clerical staff to prepare a court calendar and minutes for MHC. Calendar size is subject to court approval. The calendar will be provided to prosecutors and DEFENSE COUNSEL one week prior to the MHC session.
- k. Update cases in the Riverside County's criminal records system and maintain required case file records as required by law

IV. DISMISSAL AND EXPUNGEMENT OF CASE

- A. The disposition of the case shall consist of probation, a term of which shall include participation in MHC, and a term of incarceration in the state prison, or pursuant to Penal Code section 1170(h), or the county jail – whichever is applicable, the execution of which shall be suspended. The DEFENSE COUNSEL and DA shall negotiate in good faith and attempt to reach just terms consistent with the goals of MHC. In the event the parties cannot reach an agreement, the COURT may provide an indicated sentence.
- B. Six-months after successful completion of MHC, the defendant shall be entitled to early termination of probation when all other terms have been satisfied, such as restitution, DUI/DV classes, etc. and expungement pursuant to PC1203.4 or 1203.41, upon the cases for which he/she has participated in the program, unless otherwise negotiated. Other cases previously closed may be expunged pursuant to 1203.4, 1203.4a, or 1203.41 on a case-by-case basis, or as negotiated.
- C. Prior to consideration of any motion for reduction, expungement and/or early termination of probation, all outstanding restitution must be paid.
- D. In cases where a defendant's charges include felony DUI (either pre-sentence or violation of probation) the following additional terms and conditions shall be included:

1. Upon acceptance and entry into MHC, the participant must wear a continuous alcohol monitoring device for a minimum period of 6 months.
2. Felony DUI charges will not be eligible for early termination of probation, reduction under PC 17(b), or expungement (PC1203.4, 1203.4a, or 1203.41) until a minimum of 12 months after the successful completion of probation. The granting of relief is left to the discretion of the court upon a noticed motion.
3. A relapse consisting of drug or alcohol use, or missed test, during probation for felony DUI case may be cause for termination from the program.

V. POTENTIAL GROUNDS FOR TERMINATION

- A. If the defendant is NOT amenable to treatment in the MHC program, the COURT may terminate the defendant from the program. Potential grounds for termination may include, but are not be limited to, the following:
 1. Failure to follow directives of Court and MHC staff – including living arrangements, attending treatment and taking medication as prescribed.
 2. Substitute/alter/try to change bodily fluids at drug test;
 3. Use of device to alter urine;
 4. Multiple positive drug tests;
 5. Leaving placement without prior authorization from the team members;
 6. Possession of drugs/possession of drug paraphernalia;
 7. Possession of weapons;
 8. Threats of violence towards others; and
 9. Commission of new crime.
- B. Upon a recommendation for termination by the MHC team and approval by the COURT, the defendant will be advised of his/her rights and, if requested, afforded an evidentiary hearing concerning his or her suitability for continued inclusion in the program. Ultimately, the COURT will make this determination.

VI. RIVERSIDE UNIVERSITY HEALTH SYSTEM-BEHAVIORAL HEALTH IS NOT THE SOLE PROVIDER OF TREATMENT IN THE MENTAL HEALTH COURT PROGRAM

- A. The parties agree that not all defendants who qualify for acceptance into the MHC program will also qualify for treatment through RUHS-BH. In such cases, the parties agree that the following procedure will be observed:
 1. Treatment outside of RUHS-BH shall be overseen by PROBATION;
 2. DEFENSE COUNSEL is responsible for creating a treatment plan for the participant, and communicating that treatment plan to the parties;

3. DEFENSE COUNSEL is responsible for obtaining a release of information by the defendant to allow the parties to learn of progress in treatment;
4. The defendants who enter the MHC program pursuant to this section of the agreement shall have regular progress hearings with the COURT. The DEFENSE COUNSEL and PROBATION shall be responsible with providing updates to the COURT about the progress of these defendants.

VII. CO-OCCURRING MENTAL DISORDERS

The parties acknowledge that a co-occurring disorder often manifests when a defendant suffers from both a mental disorder as defined in the DSM-V, as well as substance abuse. The parties agree that the existence of a co-occurring disorder shall not be the sole reason to disqualify a defendant from participation in the program, regardless of whether the mental disorder, or the substance abuse occurred first in time.

VIII. CONFIDENTIALITY

All parties shall comply with state and federal laws and regulations with respect to maintaining the confidentiality of information shared under this MOU. In order to further the effectiveness of the MHC program, the parties agree that all confidential documents and any statements made by the defendant and witnesses will remain confidential for the exclusive purposes of MHC and in compliance with the protective order currently in effect as attached. Any unauthorized release of confidential information acquired under this MOU shall be reported to all other parties immediately upon discovery, pursuant to criminal discovery obligations. RUHS-BH shall comply with all confidentiality and privacy provisions of its county contract. This Article is intended to protect the privacy and security of specified County information that other parties may receive, access, or transmit, under this MOU.

A defendant seeking acceptance into the program shall agree to release all mental health information relevant to whether he or she meets eligibility criteria from the date of the referral to MHC through the MHC program process. The release of information shall expire upon the termination of the defendant from the program, or the return of the defendant to the referring department.

A finding that the defendant suffers from a mental disorder, any progress reports concerning the defendant's treatment, or any other records related to a mental disorder that were created as a result of participation in, or completion of, MHC to this section or for use at a hearing on the defendant's eligibility for MHC under this section may not be used in any other proceeding without the defendant's consent.

IX. TERM OF AGREEMENT

This Agreement is effective starting 07/20/21 through 07/20/22 and may be renewed each year after that period upon mutual written agreement of the collaborating partner agencies.

X. TERMINATION OF MEMORANDUM OF UNDERSTANDING

Upon mutual consent of all parties, this Memorandum of Understanding is subject to further negotiation and revisions as required to support the needs of the MHC program. Any changes shall be in writing and signed by all parties herein or their duly appointed representatives authorized to act on their behalf. This Memorandum of Understanding may be terminated by any party for any reason by providing a thirty (30) calendar day written notice.

XI. INDEPENDENT AGENCY STATUS

This MOU is by and between independent agencies and is not intended and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture or association.

XII. GENERAL TERMS

- A. Non-Assignment: None of the rights, privileges, interests, immunities, duties or obligations created by this MOU is assignable by any of the parties.
- B. Entire Agreement: This MOU constitutes the full and entire agreement and understandings between the parties and supersedes any and all prior understandings and agreements, oral or written, in effect at the time this MOU is executed.
- C. Governing Law: This MOU will be deemed to have been made and will be governed, construed, interpreted and enforced pursuant to and in accordance with the laws of the State of California.
- D. Third Party Beneficiaries Excluded: This MOU is intended solely for the benefit of the parties. Any benefit to any third party is incidental and does not confer on any third party to this MOU any rights whatsoever regarding the performance of this MOU. Any attempt to enforce provisions of this MOU by third parties is specifically prohibited.
- E. Survival: The Confidentiality provision under Section XIV of this MOU shall survive any termination or expiration of this MOU. Parties will also be subject to any other sections of this MOU that by their nature may reasonably be presumed to survive any termination or expiration of this MOU.

XIII. NOTICES

All notices, claims, correspondence, reports, and/or statements authorized or required by this MOU shall be addressed as follows or to the appropriate County Mail Stop:

RUHS-BH:	<u>Matthew Chang, MD, Director - Mail Stop 3790</u>
SUPERIOR COURT:	<u>Patrick Barney, Procurement and Contracts Officer, Mail Stop 1418</u>
DISTRICT ATTORNEY:	<u>Admin ADA Jared Haringsma, Mail Stop: 2120</u>

WHEN DOCUMENT IS FULLY EXECUTED RETURN

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank you.

PUBLIC DEFENDER: Steven Harmon, Mail Stop: 1520
CDL: Paul Grech (no mail stop)
VMB: Virginia Blumenthal (no mail stop)
DCP: Barbara Brand, Mail Stop: 4033
PROBATION: Contracts and Grants Unit, Mail Stop #1470

XIV. SIGNATORIES

THE SUPERIOR COURT OF CALIFORNIA, THE COUNTY OF RIVERSIDE, THE RIVERSIDE COUNTY PUBLIC DEFENDER, THE RIVERSIDE COUNTY DESERT CONFLICT PANEL, THE ATTORNEYS OF THE LAW OFFICE OF VIRGINIA M. BLUMENTHAL, THE RIVERSIDE COUNTY CRIMINAL DEFENSE LAWYERS, THE RIVERSIDE COUNTY DISTRICT ATTORNEY, THE RIVERSIDE COUNTY PROBATION DEPARTMENT AND THE RIVERSIDE COUNTY DEPARTMENT OF MENTAL HEALTH mutually agree to fully and faithfully perform all applications set forth in this Memorandum of Understanding.

RUHS-BH: _____
SUPERIOR COURT: _____
DISTRICT ATTORNEY: ADA Jared Haringsma
PUBLIC DEFENDER: Steven L. Harmon
CDL: Paul Grech
VMB: Virginia Blumenthal
DCP: Barbara Brand
PROBATION: Paul L. Hill

FORM APPROVED COUNTY COUNSEL

BY: Lisa Sanchez 7/25/2021
LISA SANCHEZ DATE