King County

KING COUNTY DISTRICT COURT
REGIONAL MENTAL HEALTH COURT

INTERIM PROTOCOLS FOR CITY REFERRALS TO KING COUNTY REGIONAL MENTAL HEALTH COURT (RMHC)

1. To make a referral to RMHC, please contact the designated City Prosecutor. After initial independent assessment at the Municipal Court level, the case may be referred to RMHC by contacting the King County Prosecutor's Office, RMHC DPA Manka Dhingra (MHCProsecutor@kingcounty.gov). The case is transferred to King County by a KCPAO filing of the case and the dismissal of the Municipal case. Therefore, the communication link between governments is the prosecutor's offices.

2. The City Prosecutor will scan and e-mail or messenger to the RMHC DPA a copy of the discovery, name of defense counsel, and any other relevant information, including information about MH diagnosis and treatment. A release of information signed by the defendant is not required, but is helpful. All referral information will be provided to the Court Monitor for assessment.

3. The defendant must be competent. If the Court Monitor has any competency concerns, the Court Monitor will inform the KCPAO who will notify the Municipal Court, the City Prosecutor and the defense counsel. All competency issues will be addressed by the Municipal Court. When the Municipal Court determines that competency is not an issue, the defendant's referral to RMHC may be renewed. A WSH evaluation is not necessary to support the conclusion that a defendant is competent.

4. Upon receiving the referral, the RMHC DPA will advise all parties that the referral has been received, noting the standard referral process and providing a timeline for the assessment. The defendant will be screened by the RMHC Court Monitor within 1 week for in custody clients and 2 weeks for out of custody clients. This period may be extended by difficulty in making arrangements for face to face contact between the defendant and the Court Monitor, as well as difficulty in gathering non community mental health center related medical records.

   If a defendant is out of custody, the defense attorney must make the defendant available for screening by the Court Monitor. The contact information to arrange for a face to face screening should be included on the referral form.

   In custody screenings at KCJ or MRJC will be done without any action by the city. If a defendant is in custody at a Non-King County facility, the RMHC Court Monitor will contact the court's designee for transportation to make arrangement to interview the defendant in custody. If the defendant is detained in a facility outside of King County, the

city will make arrangements for defendant transport to a detention facility within King County for an interview.

5. On the screening date, the RMHC Monitor will screen each defendant for :

    a. **Competency to stand trial**
    b. **Diagnostic eligibility -** whether the defendant has a severe and persistent mental health diagnosis defined as an Axis I disorder in the DSM-IV Manual
    c. **Amenability to treatment –** Court Monitor will explain the expectations of MHC such as showing up for court hearings, contacting probation, taking medications as directed, following case manager and treatment recommendations, along with the resources and support benefits provided by the MHC team.

6. The MHC Monitor and the MHC PA will staff each case to determine whether:

    a. The defendant is eligible, i.e. has an eligible diagnosis. If the defendant does not have an eligible diagnosis, the referral is considered a "screen out" and the MHC DPA will e-mail the court, the City Prosecutor and the assigned defense counsel. If the defendant does have an eligible diagnosis then amenability will have to be assessed;
    b. The defendant is amenable. The court monitor looks at prior treatment compliance with treatment agencies, past probation success along with defendants' access to resources, insight into their illness and their motivation for recovery.
    The court monitor will review the standard RMHC conditions of treatment. The court monitor will begin working on a treatment plan while the defendant is within the jurisdiction of the Municipal Court. Treatment plan will connect the defendant to resources including mental health and chemical dependency services, housing, or initiation of public benefits, etc. Defendants who refuse to agree to the treatment plan will be considered an "opt out" and the MHC PA will inform the City Prosecutor and the assigned defense counsel. Those who agree to be placed on conditions will be deemed eligible for transfer to KCDC RMHC.

7. When a defendant is determined to be eligible and amenable to treatment, the MHC PA will:
    a. Inform the Court, the City Prosecutor and the assigned defense counsel of the eligibility and the next court date in RMHC;
    b. File a complaint in KCDC MHC under a specially designated cause number, provide copy of the complaint and plea recommendation to Associated Counsel for The Accused, the assigned defense, unless retained counsel notifies the KCPAO otherwise;
    c. Advise the RMHC, which will set a in custody appearance date or mail notice to an out of custody client.
    d. The City Prosecutor may dismiss their case at this time. It will now be a King County case.