

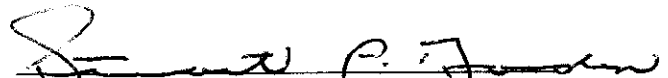
IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT OF ILLINOIS

ADMINISTRATIVE ORDER 2010-02

**IT IS HEREBY ORDERED THAT:**

In order to address the inappropriate and disproportionate incarceration of persons who suffer from mental illness, to decrease the criminal recidivism of those persons, and to increase the public safety of the citizens of Peoria County, an Adult Mental Health Court is hereby established in Peoria County, Illinois, pursuant to the provisions of the Mental Health Court Treatment Act, 730 ILCS 168/1 *et seq.* The Peoria County Adult Mental Health Court shall be a collaborative effort administered in accordance with the provisions of the Act and the Memorandum of Understanding entered into by and between the Peoria County Circuit Court, State's Attorney, Public Defender, Adult Probation, local mental health treatment providers and law enforcement agencies.

ENTERED THIS 29TH DAY OF SEPTEMBER, 2010

  
STUART P. BORDEN, Chief Judge

**MEMORANDUM OF UNDERSTANDING  
PEORIA COUNTY ADULT MENTAL HEALTH COURT**

**MISSION STATEMENT**

It is the mission of the Peoria County Adult Mental Health Court (AMHC) to enhance public safety and reduce recidivism by diverting mentally ill persons who have been charged with a criminal offense from the Peoria County Jail to the specialized court for appropriate treatment and support services. In so doing, the individual's quality of life should be greatly enhanced. Increased public safety will be afforded to the citizens of Peoria County and a substantial cost savings will be realized as there will no longer be inappropriate involvement of the mentally ill in the criminal justice system.

The Peoria County Adult Mental Health Court has been established in compliance with the Illinois Mental Health Court Treatment Act (730 ILCS 168/1 *et seq.*) following the entry of Administrative Order 10-02 on September 29, 2010.

**CONFIDENTIALITY**

All information pertaining to AMHC participants is strictly confidential. All information viewed by AMHC personnel or providers shall not be shared with any outside party, except as authorized by proper court order.

AMHC participants shall be required to sign release forms so that relevant information may be shared with appropriate agencies. If a participant refuses to sign the necessary release forms, he or she shall be ineligible for the AMHC program.

All probation files, pre-sentence investigations, computer notes and case notes are considered to be confidential information and may only be released if permitted by court order or client authorization. Case information may be released to other probation departments.

All AMHC material is protected by federal law, specifically 429 U.S.C. 290dd-2 and the regulations promulgated thereunder, 42 C.F.R. Part 2 (confidentiality of substance abuse records), and the Illinois Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110/1 *et seq.*) (confidentiality of mental health treatment records).

**RESPONSIBILITIES AND EXPECTATIONS OF PARTICIPATING AGENCIES**

All participating agencies agree to assist in the design and ongoing development of the Peoria County AMHC. Further, as appropriate, agencies will assist in providing all necessary data for evaluation purposes.

All participating agencies agree to respect other agencies' roles and responsibilities to ensure the integrity of the judicial and therapeutic processes.

All participating agencies shall observe the participant's right to confidentiality in accordance with federal and state laws and regulations governing treatment and criminal justice information.

All participating agencies agree to develop and use written AMHC criteria for (1) Participant eligibility/suitability; (2) Sanctions and incentives; (3) Termination from the program; and (4) Program completion. Any revisions to this Memorandum of Understanding will be documented in writing and approved by the entire AMHC team.

#### **AMHC TEAM MEMBERS AND RESPONSIBILITIES**

The following are the core members of the AMHC team. Members may be added as deemed appropriate by the core team members.

This section outlines the responsibilities each agency agrees to perform as part of their involvement in the Peoria County AMHC.

Judge  
State's Attorney  
Public Defender  
Probation Department  
Human Service Center  
Peoria County Sheriff's Department

The following are the major responsibilities for each AMHC team member:

#### **Judge**

The Judge leads the AMHC process. The Judge participates in all AMHC staffing decisions and presides over the court proceedings. The Judge can recommend potential AMHC participants to the AMHC team. The Judge administers effective incentives and sanctions. The Judge is a spokesperson to the community advocating AMHC and support for the program.

#### **State's Attorney**

The State's Attorney's office is a full member of the AMHC team. It serves as the gatekeeper of the program, and as such receives and reviews referrals for potential AMHC candidates. The designee will refer appropriate candidates to Human Service Center for a mental health assessment and treatment planning. The designee will advocate for effective sanctions and incentives while ensuring community safety. The designee is a spokesperson to the community advocating on behalf of the AMHC and seeking support for the program.

#### **Public Defender**

The Public Defender's office is a full member of the AMHC. The Public Defender or designee assists in the referral and entry process. The designee will advocate for effective sanctions and incentives while ensuring that the participant's legal rights are protected. The designee is a spokesperson to the community advocating on behalf of the AMHC and seeking support for the program.

### **Probation**

The Adult Probation Office is a full member of the AMHC team. The Probation Officers will advocate for effective sanctions and incentives during AMHC team meetings. The officers are spokespeople to the community advocating on behalf of AMHC and seeking support for the program. Probation officers can refer potential participants at the PSI or post-sentencing monitoring state to the AMHC program as well.

The probation officer is the primary case supervisor for participants in AMHC. He or she performs duties under the supervision of the Mental Health Court Probation Officer. In fulfilling this responsibility, the probation officer's duties are varied and include, but are not limited to:

1. Planning and implementing, in collaboration with the treatment providers, the day-to-day activities of the AMHC participants.
2. Conducting initial intake interviews and explaining the program requirements to participants
3. Monitoring participant compliance with AMHC rules
4. Communicating with the participants in accordance with program standards
5. Attending case staffing on a weekly basis and reporting compliance/noncompliance and recommending incentives and sanctions
6. Assisting in the promotion of team integrity, development of community resources and collection of data/statistics while working closely with AMHC team members.

The Probation office is will speak to the community advocating on behalf of the AMHC and will seek support for the program

### **Human Service Center**

The Human Service Center is a full member of the AMHC team. Under the direction of the Chief Medical Officer, Human Service Center staff will provide appropriate staff to conduct assessment, psychiatric evaluation, treatment, case management and recovery services to the AMHC. Human Service Center staff will check Jail Data Link for prior mental health contacts of individuals populating the Peoria County Jail and will assist in making appropriate referrals to social service agencies for participants upon their release from custody.

Staff will act as liaisons with the court and other members of the AMHC team. In addition, staff will monitor treatment activities, prepare weekly reports and report case outcomes to the court. Human Service Center staff will participate in weekly reviews with AMHC team members to ensure continuity with regard to communication of each participant's status and participation in the treatment process. Human Service Center will document in writing the services provided to AMHC participants on logs by activity grouping and submit cumulative totals each month to the Peoria County Court

Administrator. Human Service Center will work with all AMHC team members with regard to collection of data

Human Service Center staff will assist participants with applying for state, federal or veteran's benefits, as well as housing, and educational programs. Human Service Center staff will attempt to arrange for housing and transportation of participants and refer participants for appropriate medical treatment and medication management.

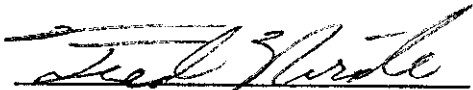
**Peoria County Sheriff/Peoria County Detention Center**

The Peoria County Sheriff's Department's lead mental health professional or his designee will screen potential participants for AMHC and make referrals to the State's Attorney's Office, using eligibility factors developed by the AMHC team. Sheriff's personal can refer potential participants to the mental health professionals by noting such referral upon arrest documents/reports. The Sheriff's mental health professionals will assist in obtaining mental health history from a potential participant. The mental health professionals and detention center staff will act as a liaison between AMHC team members, participants, and their attorneys to aid in scheduling meetings while the participant is incarcerated. The mental health professionals will work with AMHC team members in developing appropriate incentives and sanctions for participants. Detention center staff will also work with Human Service Center staff, Health Professionals, Ltd. staff, Probation officers, and others as required to facilitate a smooth transition when the participant is released from custody and into the community. The mental health professionals will also collect necessary data pertaining to incarcerated individuals with mental health disorders to assist in preparing grant applications and other presentations to the public.

The Sheriff's office is will speak to the community advocating on behalf of the AMHC and will seek support for the program.

**Peoria County Law Enforcement Agencies**

Peoria County Law Enforcement Officers who come into contact with potential participants may refer potential AMHC candidates to the State's Attorney's Office, using eligibility factors developed by the AMHC team.

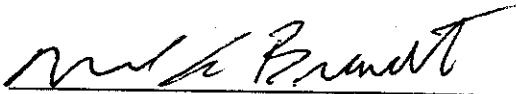


Signature  
Fred Nirde\*  
President/Chief Executive Officer  
Human Service Center



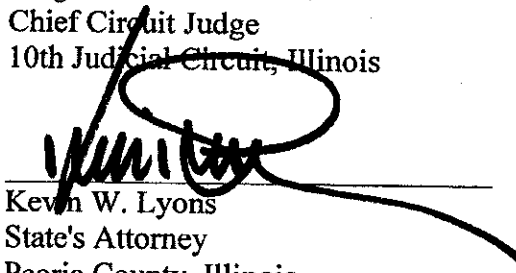
Date

Signed and approved on the following dates:



Judge Michael E. Brandt  
Chief Circuit Judge  
10th Judicial Circuit, Illinois

3rd day of June 2011



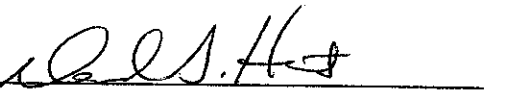
Kevin W. Lyons  
State's Attorney  
Peoria County, Illinois

28 day of June 2011



Timothy J. Cusack  
First Assistant Public Defender, for  
Thomas J. Penn, Jr.  
Public Defender  
Peoria County, Illinois

27 day of June 2011



Daniel J. Hunt  
Director of Probation and Court Services  
Peoria County Illinois

23 day of June 2011



Michael J. McCoy  
Sheriff  
Peoria County Illinois

27<sup>th</sup> day of June 2011