

Ramsey County Mental Health Court (RCMHC) Referral Procedure - All Case Types

❖ WHAT IS THE RCMHC?

- The Ramsey County Mental Health Court (RCMHC) is a voluntary, pre-adjudication and post-sentence program. The RCMHC became operational in May 2005 and was created when it became increasingly clear that persons with mental illness and co-occurring mental illness and substance abuse disorders were in need of more specialized and individualized treatment. By partnering with the Minnesota Department of Human Services, the RCMHC team includes community human services case managers who can link participants to available community mental and chemical health services. RCMHC provides people whose criminal acts are driven by mental illness an opportunity to go into court-supervised treatment rather than the traditional court route. For more information, go to: [MN 2nd District Mental Health Program](#).

❖ QUESTIONS RE: ELIGIBILITY AND REFERRAL PROCESS?

- Contact Brandi Stavlo, RCMHC Program Coordinator with defendant's name and case file number(s). Telephone (651) 266-9256 or email brandi.stavlo@courts.state.mn.us.

❖ ELIGIBILITY CRITERIA

- To be eligible for RCMHC, an individual must not have a current charge or prior conviction that appears on the following list. **If an individual has current charges or prior convictions for the starred offenses above, a qualification determination will be made on a case by case basis.**

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| ✓ Aggravated Robbery I and II | ✓ Homicide |
| ✓ Arson I and II | ✓ Kidnapping/False Imprisonment |
| ✓ Assault I, II, III, IV*, V* | ✓ Malicious Punishment of a Child |
| ✓ Burglary I, II, III* | ✓ Possession of Pictures of Minors |
| ✓ Crime Committed to Benefit a Gang | ✓ Possession/Reckless Use of Weapons |
| ✓ Criminal Sexual Conduct | ✓ Sale/Intent/Distribution of Drugs I and II |
| ✓ Criminal Vehicular Homicide | ✓ Stalking/Harassment |
| ✓ Criminal Vehicular Injury* | ✓ Terroristic Threats* |
| ✓ Domestic Assault* | ✓ Violation of Order for Protection* |
| ✓ Drive by Shooting | ✓ Witness Tampering |
| ✓ Failure to Register as a Sex Offender | |
| ✓ Fugitive from Justice | |

❖ PRE-ADJUDICATION REFERRAL PROCESS

- All eligible RCMHC referrals promptly enter the program following a determination of eligibility. An adult offender who is arrested and charged will undergo the following referral process to RCMHC in the criminal justice system.

- *St. Paul Cases:* See Page 2.
- *Suburban Cases:* See Page 3.

❖ POST-SENTENCE REFERRAL PROCESS

- All eligible RCMHC referrals promptly enter the program following a determination of eligibility. An adult offender who is sentenced and on supervised probation will undergo the following referral process to RCMHC in the criminal justice system.

- *Probation Cases:* See Page 4.

Ramsey County Mental Health Court (“RCMHC”)
[St. Paul Cases]

STEP 1: CONTACT PROGRAM COORDINATOR:

Contact the RCMHC Program Coordinator with defendant’s name and case file number(s). **Please do not instruct defendant to contact RCMHC case management.** If defense attorney or referral source has clinical information that would be helpful for the referral process please fax them Program Coordinator before defendant’s first appearance in RCMHC.

- Brandi Stavlo, RCMHC Program Coordinator:
Telephone: (651) 266-9256
Fax: (651) 767-8940
Email: brandi.stavlo@courts.state.mn.us

STEP 2: APPROVAL:

The St. Paul City Attorney’s Office or Ramsey County Attorney’s Office must agree to the RCMHC referral. Please contact the RCMHC liaisons with questions regarding eligibility:

- Andrea Miller, Assistant City Attorney: (651) 266-8740;
Andrea.Miller@ci.stpaul.mn.us
- Karen Kugler, Assistant County Attorney: (651) 266-3110;
Karen.Kugler@co.ramsey.mn.us

STEP 3: COURT HEARINGS ARE SCHEDULED:

The defendant must be scheduled for both a RCMHC court hearing date **and** his/her next scheduled criminal court date.

STEP 4: RCMHC HEARING:

At the RCMHC court hearing date, the defendant will observe the court proceeding. If the defendant wants to continue the RCMHC referral process after observing court, he/she will be required to on the record:

- Mental Health Intake Assessment: Schedule a mental health intake assessment with the RCMHC case manager to determine appropriateness for the program
- Conditionally Released: Be conditionally released to Project Remand for purposes of RCMHC referral
- Acceptance/Denial: Come back to RCMHC for acceptance or denial into the program

STEP 5: DISTRIBUTE LEGAL OFFERS:

All legal offers in RCMHC come from the prosecutor. In all cases, two legal offers (RCMHC offer and Traditional Track offer) will be made and distributed by the prosecutor to the defense attorney, RCMHC Program Coordinator and RCMHC Case Manager **within a week** of the first appearance in RCMHC.

STEP 6: DEFENSE ATTORNEY ROLE:

- The assigned public defender will be available to answer any legal questions the defendant may have regarding the offers given by the prosecutor.
- The assigned public defender or a representative from the Public Defender’s office must be available for the plea hearing and put the plea in with their client.
- Once the defendant has been accepted into RCMHC, the RCMHC pro-bono defense attorneys will file a certificate of representation. If not accepted to the RCMHC, the defendant will proceed to his/her next criminal hearing with his/her assigned defense attorney.

Ramsey County Mental Health Court (“RCMHC”) [Suburban Cases]

STEP 1: CONTACT PROGRAM COORDINATOR:

Contact the RCMHC Program Coordinator with defendant’s name and case file number(s). If defense attorney or referral source has clinical information that would be helpful for the referral process please fax them Program Coordinator before defendant’s first appearance in RCMHC.

- Brandi Stavlo, RCMHC Program Coordinator:
- Telephone: (651) 266-9256 ; Fax: (651) 767-8940; Email: brandi.stavlo@courts.state.mn.us

STEP 2: APPROVAL:

The suburban prosecutor must agree to the RCMHC referral.

STEP 3: COURT HEARINGS ARE SCHEDULED:

The defendant must be scheduled for both a RCMHC court hearing date **and** his/her next scheduled criminal court date.

STEP 4: RCMHC HEARING:

At the RCMHC court hearing date, the defendant will observe the court proceeding. If the defendant wants to continue the RCMHC referral process after observing court, he/she will be required to on the record:

- Mental Health Intake Assessment: Schedule a mental health intake assessment with the RCMHC case manager to determine appropriateness for the program
- Conditionally Released: Be conditionally released to Project Remand for purposes of RCMHC referral
- Acceptance/Denial: Come back to RCMHC for acceptance or denial into the program

STEP 5: SUBURBAN PROSECUTOR ROLE:

- Police Report:
The police report must be faxed to RCMHC Program Coordinator immediately.
- Legal Offers:
All offers in RCMHC come from the suburban prosecutor. Two legal offers (RCMHC offer and Traditional Track offer) will be made and distributed by the prosecutor to the defense attorney and RCMHC Program Coordinator **within a week** of the first appearance in RCMHC. Program Coordinator will distribute offers to the team.
- Required Court Appearances:
Suburban prosecutors must be available at **sentencing** and **program completion**. Please come prepared with offer and police report.
- Collaboration:
If the defendant is accepted into RCMHC, case management will email prosecutor regular staffing updates on how the participant is doing in the program and if any **sanctions** occur during the program. If your opinion is specifically ordered from the Judge, the Program Coordinator will alert you and request that you give your recommendation to the team via email or a conference call to the team at staffing.

STEP 6: DEFENSE ATTORNEY ROLE:

- The assigned public defender will be available to answer any legal questions the defendant may have regarding the offers given by the prosecutor.
- The assigned public defender or a representative from the Public Defender’s office must be available for the plea hearing and put the plea in with their client.
- Once the defendant has been accepted into RCMHC, the RCMHC pro-bono defense attorneys will file a certificate of representation. If not accepted to the RCMHC, the defendant will proceed to his/her next criminal hearing with his/her assigned defense attorney.

Ramsey County Mental Health Court (“RCMHC”)
Post-Sentence Referral Process
[Probation Cases]

STEP 1: CONTACT PROGRAM COORDINATOR:

Contact the RCMHC Program Coordinator with defendant’s name and case file number(s). The entire RCMHC team must agree to the RCMHC referral. If the probation officer has clinical information that would be helpful for the referral process please fax them to the Program Coordinator before defendant’s first appearance in RCMHC.

- Brandi Stavlo, RCMHC Program Coordinator:
Telephone: (651) 266-9256
Fax: (651) 767-8940
Email: brandi.stavlo@courts.state.mn.us

STEP 2: OBSERVATION COURT HEARING IS SCHEDULED:

The defendant must be scheduled for a RCMHC court hearing to observe the court and begin the referral process.

STEP 3: RCMHC HEARING:

At the RCMHC court hearing date, the defendant will observe the court proceeding. If the defendant wants to continue the RCMHC referral process after observing court, he/she will be required to:

- Mental Health Intake Assessment:
Schedule a mental health intake assessment with the RCMHC case manager to determine appropriateness for the program.

STEP 4: ACCEPTANCE/DENIAL TO RCMHC:

- Acceptance:
If the defendant is found eligible for RCMHC, a determined length of time in the program is agreed upon with Probation and the RCMHC team (minimum one year). The RCMHC Judge will amend MNCIS to note RCMHC conditions.
- Denial:
If the defendant does not meet eligibility, the defendant will continue with only Adult Probation.

STEP 6: PROBATION / RCMHC COLLABORATION:

- Referral Period:
During the RCMHC referral period, please note that Probation should still be meeting with the client as they normally would do with a Probation client as they are the only supervising agent of the defendant. The RCMHC referral process must remain separate until the defendant is determined eligible and accepted to the RCMHC program. RCMHC case management will be corresponding with Probation to give updates on the referral process. During the referral process, if Probation should have any questions regarding treatment and compliance to the referral process, please contact RCMHC case management, Deb Strasser, at 651-266-9256. In addition, we would appreciate any information Probation may have regarding new cases or if Probation will be issuing violations, etc. on this client to ensure both systems are communicating fully.
- Accepted to RCMHC:
Defendants are supervised by Adult Probation and RCMHC during his or her participation in the program. RCMHC case management will be corresponding with Probation on the case from acceptance on forward.