

Proposal Form: American Rescue Plan State Fiscal Recovery Funds

Proposal Overview

Policy Bucket/Area	Behavioral Health
Proposal Name	Mental Health Court
Agency Name	Judiciary, Attorney General, Mental Health Advocate
Agency Proposal Owner	Darlene Walsh, Director of Finance & Budget, Rhode Island Supreme Court (NOTE: Joint proposal was coordinated by RI OMB)
Eligible Expenditure Category (PRO)	Public Health

Proposal Fiscal Impact

If your proposal is administrative or not related to capital or infrastructure, please provide how the stimulus funds would be used over the next three fiscal cycles and any additional funding that would be required.

Funding Source	FY22	FY23	FY24	FY25	FY26	FY27*	Annual Recurring Charges
Federal Stimulus Funds		\$1,347,769	\$1,378,758	\$1,447,696			
Other Federal Funds							
General Revenue							
Other Funds							
All Funds		\$1,347,769	\$1,378,758	\$1,447,696			

**Federal Stimulus Funds half year only*

Capital/ Infrastructure Projects	FY22	FY23	FY24	FY25	FY26	FY27*	Total
Federal Stimulus Funds							
Other Funds							
Total							

**Federal Stimulus Funds half year only*

Proposal Description

Please describe the proposal in terms of what is the object of expenditure. Information should include current programs that would be impacted, new programs to be created, reference to category of expenditure and how good or service will be procured and delivered. Further detail on expenditure database changes can be captured on attached excel spreadsheet for ultimate entry into the Budget Office BFM system.

This would create a Mental Health Court program with collaboration between the Judiciary, the Office of the Attorney General, and the Office of the Mental Health Advocate to better serve defendants with mental illness.

Proposal Estimate

Please explain how the estimated cost of the proposal was derived including all considerations included in the calculation for the current fiscal year as well as the outyears.

This was derived from agency requests.

Proposal Background/Opportunity Statement

In this section, clearly explain the conditions that exists today and the opportunity that your request presents to capitalize on. The best opportunity statements thoroughly explain, with as much detail as possible: (1) where we are today; (2) where we want to be in the future; and (3) why there is the gap between where we are and where we want to be. In each of the three stages, please quantify the impact this proposal will have; quantification should include the fiscal benefits to the state over time, but may also include other quantifiable metrics (i.e., the proposal will increase the percent of the population that has access to broadband from 10% to 50%; currently XXX of staff hours per week are spent... this proposal will reduce this to XX hours).

The impact of the criminal justice system on people who suffer from mental illness has been a longstanding and significant problem and is most evident than in the District Court, the gateway to the criminal justice system. Without proper treatment, these individuals repeatedly recycle through the system. Decades ago, when Rhode Island deinstitutionalized services to the mentally ill, promises were made to community providers for funding and other support which would allow people to be treated in the community, but over the decades that funding was systematically cut year after year. As the support decreased, community safety nets were diminished, even extinguished, allowing people to spiral downward and eventually fall into the criminal justice system, where the District Court serves as “the great catch basin.” Over the past three years, the Pretrial Services Unit has handled 1,593 referrals for mental health counseling with another 737 with co-occurring disorders. These numbers do not to begin to capture the full scope of court-involved defendants suffering from mental illness. Most of these defendants would not be initially sentenced to serve time at the ACI on a misdemeanor but many of them will be incarcerated as either bail violators or probation violators. This calendar would significantly reduce, if not eliminate, incarceration for all these violators.

Proposed Intervention & Theory of Change

Provide a detailed description of how the initiative you are proposing responds to the opportunity statement above. Your narrative should clearly describe how your intervention, if funded, could close the gap described above and achieve the desired future state. Please highlight the use of any evidence-based interventions in your proposal and discuss how this proposal will promote equitable outcomes.

The primary goal of this program will be to fully address the defendant’s mental illness and divert the defendant from the criminal justice system. As a pre-plea program, with no admission of guilt, this mental health treatment court will also help to avoid collateral consequences such as limited housing or a negative impact on employment opportunities. Once eligibility is determined, a participation agreement will define the expectations of both parties, including duration of the treatment plan and disposition upon completion. The Mental Health Treatment Court will implement a policy for the use of incentives and sanctions consistent with national best practices for Specialty Courts. The Court will work closely and collaboratively with the community mental health centers and with BHDDH. RIMHTC will provide consistent monitoring of the participant in the community tailored to their risk level. Adhering to federal and state confidentiality guidelines, participants will sign appropriate releases. Treatment plans and compliance therewith will be routinely discussed by the treatment team. Treatment Courts are collaborative not adversarial. They provide wrap around services and work with a team approach. The team includes a designated judicial officer, a designated prosecutor (AG), and defense counsel from the Office of the Mental Health Advocate. The involvement of the Mental Health Advocate will bring both specialized knowledge of mental illness and years of experience dealing with this population and the treatment providers. A shift in defense court-appointed counsel to the Office of the Mental Health Advocate would be an important step towards the decriminalization of mental illness.

Target Population

Please provide how many individuals/businesses/etc. will be impacted by the proposal and why the population is in need of the intervention described above.

See above.

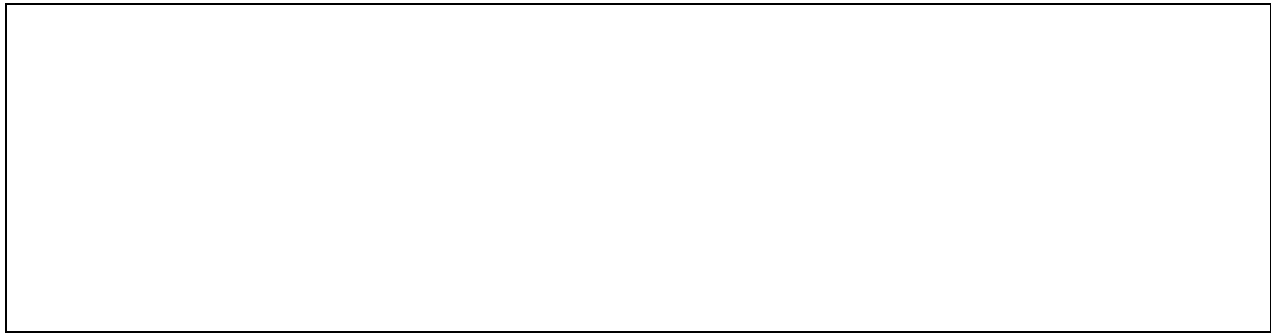
Recurring Fiscal Impact of Proposal

Please be clear about the recurring financial changes that may occur or be necessary because of the investment. For example, a refurbishment of a current capital asset may lower maintenance costs in the future or a new investment may require annual appropriations to operate.

This is funded here as a three-year pilot program. If the program were to continue beyond FY 2025 an alternative source of funding would need to be found.

Relationship to Other Relief

If the analyst is recommending another source of funding, or is explaining future federal funding to maintain this program, please note the other federal source of funding below with an explanation of why that source best fits the proposed action described above.



Timeline for Implementation

Describe how long you expect your proposal to take to implement in full, noting how much progress you expect to make in one year or less. In addition, describe how the project or investment funding can be obligated by December 31, 2024.

The Court anticipates that it will begin to accept referrals within 6 to 8 months of legislative approval and would expect to see meaningful change within the first year of implementation, particularly with respect to decreased incarceration. DOC statistics indicate the daily cost of housing one individual in the Intake Unit is \$190 per day. National studies indicate that 17% of the jail population are diagnosed with SPMI, at a significant cost to the State of Rhode Island. Inmates with a diagnosis of SPMI need additional services, require more supervision, have more disciplinary issues and require more treatment and often more costly medication. These costs are paid for by the Department of Corrections because Medicaid is suspended while an individual is incarcerated. In 2019, 36 defendants, diagnosed with mental health or co-occurring disorders spent time at the ACI as bail violators. The average stay for bail violation was 17.5 days which at \$190 per day resulted in a total cost of \$119,700. Virtually all of these bail violators would have been diverted if we had a Mental Health Treatment Calendar. It is anticipated that these numbers will be even more significant for probation violators. With a specialized court most, if not all these individuals would be diverted to additional treatment rather than incarcerated.

FTE Impact

Use this section to note whether this proposal would require the hiring of additional FTEs, the elimination of existing FTEs or a reprogramming of FTEs. Please provide specific counts, job classifications of impacted existing employees and/or new hires, and salary/benefits costs for each position. Please note relevant timeline considerations such as anticipated hire/reassignment date and end/return to original assignment date for any temporary personnel assignments. If you expect the initiative to require the assistance of contractors, please note that expectation here.

This would include an increase of 9.0 FTE position.

Judiciary:

- Magistrate
- Project Manager (Judicial)
- Associate Executive Assistant
- Associate Executive Assistant
- Associate Executive Assistant
- Senior Monitoring and Evaluation Specialist
- Office Manager

Attorney General:

- Staff Attorney I (AG)
- Paralegal Clerk

Mental Health Advocate:

- Staff Attorney III
- Social Case Worker

Potential Impediments or Risks

Use this section to note any potential risks related to the proposal or barriers to implementation (including, e.g., required statutory changes, lack of necessary technical staff/software capabilities, public pressure, highly complex and difficult implementation strategy, etc.), or any unintended consequences that might result from the proposal. You should also note any unanswered questions or persistent unknowns that could hinder implementation of the proposal.

Connection to Existing Models and Partnerships

Explain how your proposal leverages or expands existing models or partnerships within the state. If your proposal does not build on any existing models or partnerships, explain how you intend to quickly launch your proposed intervention and expend requested funds in one year or less.

Timeline for Outcomes

How long after this initiative is implemented do you expect to see meaningful change (example: completion of a proposed training initiative, return on capital investment, attainment of program targets, etc.)? If you expect long-term savings, when do you predict that savings will begin?

Evidence-Based Intervention

Briefly describe the evidence-based interventions envisioned for the initiative, and/or if projects are being evaluated through rigorous program evaluations that are designed to build evidence. If an agency is conducting a program evaluation in lieu of spending on evidence-based interventions, please describe the evaluation design. You can use tools like the [Pew Results First Clearinghouse](#) and the [Social Programs That Work](#) database to determine whether the type of initiative that you are proposing has been rigorously evaluated in other jurisdictions.

Equity

Describe how your agency's planned use of funds prioritizes economic and racial equity as a goal, names specific targets intended to produce meaningful equity results at scale and articulates the strategies to achieve those targets.

Population: Are there particular historically underserved, marginalized, or adversely affected groups that you intend to serve? What data supports this population being categorized as underserved or marginalized?

Awareness: How equal and practical is the ability for residents or businesses to become aware of the services funded by the SLFRF?

Access and Distribution: Are there differences in levels of access to benefits and services across groups? Are there administrative requirements that result in disparities in ability to complete applications or meet eligibility criteria?

Outcomes: Are intended outcomes focused on closing gaps, reaching universal levels of service, or disaggregating progress by race, ethnicity, and other equity dimensions where relevant for the policy objective?

Performance Metrics

Describe your agency’s plans to evaluate this SFRF initiative in the future if your request is approved. Your narrative should include the specific metrics that you plan to track, the methods you plan to use to evaluate the initiative, and the types of data that you will collect. You should explain why and how you’ve arrived at this evaluation plan. You should also quantify what success looks like for this initiative, based on the metrics that you plan to track.

Statutory Implications:

Note whether this initiative will require a budget article in order to be implemented. If an article will be required, identify the impacted statute and include an attachment with proposed new statutory language to accompany this Decision Package form, and a Statutory Impact Summary Memo, which describes the technical changes to the law as well as the budget and policy implications of those changes. If an article will not be required, simply include the following narrative: This initiative will not require a budget article.

This initiative will not require a budget article.

Interagency Impact:

If this initiative would impact another agency, name the affected agency(ies) and note how the proposal would impact them here. Note whether the other agency has been made aware of this proposal and whether the impact on the other agency will be included in their analysis. If the proposal is likely to have an impact on another agency but that impact is not quantifiable, you should also note that here. If this initiative will not have an interagency impact, simply include the following narrative: This initiative will not impact any other agencies.

This initiative will not impact any other agencies beyond the Judiciary, the Office of the Attorney General, and the Office of the Mental Health Advocate.

Revenue Impact:

If this initiative would impact revenues collected by the agency, please explain below. When possible, please provide an estimate of the impact on revenues. If this initiative will not have an impact on revenues, simply include the following narrative: This initiative will not impact revenues.

This initiative will not impact revenues.

Additional Proposal Details

Please provide any additional information that would aid the review and vetting of the proposal.