

MENTAL HEALTH PTI

In cases where a defendant's mental illness is a primary factor in the commission of the crime charged, defendants who are eligible for the Pretrial Intervention program (PTI) may be placed in a variation of PTI called Mental Health PTI. The purpose of Mental Health PTI is to address the underlying mental health issues that caused the criminal behavior, in an effort to rehabilitate the defendant and decrease the likelihood of re-offending. Mental Health PTI is not intended to be used in lieu of Drug PTI for defendants charged with drug offenses; absent exceptional circumstances, Drug PTI is the appropriate program for defendants charged with drug offenses who are eligible for diversion under Florida Statute §948.08.

Eligibility for Mental Health PTI:

1. The defendant must be eligible for pretrial intervention and meet all requirements for entry into a pretrial intervention program pursuant to Florida Statutes §948.08.
2. The defense must present information about the defendant's mental health issues and a treatment plan.
3. The assigned prosecutor must make a determination that the defendant's underlying mental illness was the primary factor in the commission of the alleged crime, and that obtaining mental health treatment for the defendant should be the goal for resolution of the case.
4. The victim must consent to the defendant entering Mental Health PTI.
5. The felony division chief must approve the case for Mental Health PTI.

Procedures for Mental Health PTI:

1. The defense will provide a case plan for the defendant. Christopher Muzik works for Court Administration as a mental health court specialist. He will assist in providing case plans and coordinating with case workers for the defense.
2. The assigned prosecutor will review the defendant's criminal history to verify eligibility for PTI.
3. The defense will prepare a draft of the Mental Health PTI contract and submit to the State for approval. The State and defense must agree upon all conditions and special conditions of the contract. The defense will also provide a "Notice to Close File" which will be signed by the State at the time the defendant enters Mental Health PTI.

4. When the parties are ready to enter into the PTI contract, the MHPTI Specialist will email Debbie Parscal (State Attorney's Office) with notice of the court date.
5. MHPTI Specialist will coordinate with the case manager and the defendant to ensure the defendant is aware of and able to comply with the requirement to call PTI and report to the PTI office within 24 hours of entry into Mental Health PTI.
6. Defendant, MHPTI Specialist and the case manager (if possible) will be present in court at the time defendant enters Mental Health PTI.
7. The parties will sign the contract in court, and the State will sign the "Notice to Close File." The defense will waive speedy trial on the record, and the State will announce for the record that the file is closed for "Mental Health PTI." As with all PTI cases, the defendant should be provided with the PTI map and instructions, and the Address Verification Form should be completed by the defense and submitted to the clerk.
8. The MHPTI Specialist will fax a copy of the Mental Health PTI contract to Debbie Parscal (SAO) as soon as possible and send original copy of the MHPTI agreement with signatures via interoffice to the DOC-PTI Office for Correctional Probation Officer signature. DOC will sign and return to Debbie Parscal, SAO PTI Diversion Specialist. If Debbie Parscal is unavailable, another designated SAO employee will fulfill her duties.
9. Defendant (or case manager if defendant has limited functional ability) will call the PTI office and schedule an appointment within 24 hours. The case manager will assist the defendant as needed.
10. The case manager will provide monthly reports to the PTI officer as needed to verify compliance with the contract.
11. As with all defendants in PTI, any violations of the PTI contract will be reported to the SAO. The SAO will determine the appropriate action to be taken, if any, for violations of the PTI contract.

The Mental Health PTI Contract:

The contract for Mental Health PTI is a modified version of the standard contract for PTI. In lieu of the community service hours required for PTI, Mental Health PTI will include special conditions in the contract designed to address the particular needs of the defendant. In appropriate cases, the PTI requirement to be employed may be waived.

While the special conditions of the Mental Health PTI contract should be tailored to the needs of each defendant, examples of common special conditions for Mental Health PTI include the following:

1. The Defendant will receive outpatient treatment for a mental illness during the pre-trial intervention period. All aspects of treatment will be coordinated by the (Treatment Provider). (Treatment Provider) shall monitor the defendant no less than one time every 30 days through home visits or other face to face contact. The Defendant shall provide the name of the (Treatment Provider) to the supervising officer.

2. The Defendant shall receive treatment and counseling as recommended by the attending physician and shall take medication as prescribed. The Defendant shall, to the extent possible, participate in programs coordinated by authorized treatment personnel to maintain and improve defendant's mental health.

3. The Defendant will not consume alcohol, non-prescribed medications, or illicit substances, and may be required to undergo periodic blood or urinalysis

4. The Defendant shall be allowed to reside at (address). Residence at this address is contingent on this environment supporting successful completion of PTI. Any change in address must be approved by the (Treatment Provider) and the supervising officer, and the Court shall be immediately notified.