

**Seattle Municipal Court
Mental Health Court
Flowchart Process Notes**

P1. Seattle Municipal Court's case management software, MCIS, allows for a defendant to have a "flag" attached to his or her record in the database. When that occurs, any new case entered for that defendant is automatically given the MHC "flag." Once a case has the flag, it is automatically set into Mental Health Court in the Seattle Justice Center.

P2. Referrals to Mental Health Court come from a variety of sources and are filtered through the Court Liaison. Referrals can come from:

- Arresting Police Officer
- Jail staff (including Jail Psych staff)
- Judge
- Prosecuting Attorney
- Defense Attorney (either at Arraignment or further in the judicial process)
- Jail Liaison (social work professional sited in the jail)
- Family or Friends of Defendant
- Social Services Caseworker (including Mental Health Caseworker)

The Court Liaison conducts significant research regarding each referral, including:

- Reviewing the referral form
- Reviewing the case information, including incident report, criminal history, PR screen, other jail information
- Contacting the case manager
- Contacting/communicating with the assigned defense attorney
- Reviewing the defendant's mental health history and diagnosis, housing and language needs, family resources, etc.¹
- Reviewing current booking status and involvement with other courts, warrants, holds, etc.
- Investigating if there is an active civil commitment process
- Assessing for drug/alcohol issues and treatment needs
- Interviewing defendant (may not occur until immediately prior to first MHC appearance)

If the Court Liaison, defense attorney, and defendant agree that the defendant is eligible for MHC, the case is then scheduled for a hearing in the Mental Health Court courtroom. The team has developed detailed step-by-step procedures for referring and setting a case into Mental Health Court.

P3. Seattle Municipal Court (and all courts) are bound to determine if a defendant is competent to stand trial. This means that a defendant understands the charges he or she faces as well as can

¹ Sharing this information with other MHC team members is possible only if the defendant signs a release of information. If the defendant is unwilling to do this, the Prosecuting Attorney is unwilling to make an opt-in recommendation.

assist in his or her defense. Defendants are not competent if they do not meet either criteria as a result of a mental disease or disorder.

Competency to stand trial can be raised at any point in the court process. Competency can be raised by any party, and is most often identified by the defense attorney.²

When the issue of competency is raised, the court signs an order for an evaluation. A hearing to review the result of the evaluation is automatically set in Mental Health Court. Sometimes the court prefers for Mental Health Court staff to review the case and interview the defendant before raising competency. In this situation, the case is set for a hearing in Mental Health Court, at which time an evaluation is usually ordered. There are also defendants with the MHC “flag,” whose cases are automatically seen in MHC. For those defendants, competency to stand trial is also raised in the MHC.

In virtually every case set in MHC, the Defense Attorney, the Defense Social Worker, and the Court Liaison each interview the defendant separately and make an independent assessment of whether competency appears to be an issue for the defendant.

P4. As mentioned in Note P1, the MHC “flag” is used to identify defendants with mental health issues. If a defendant is either in-eligible for MHC or opts out of MHC, the “flag” may not be removed from the defendant’s record and cases. There is some controversy around this issue that the court should consider resolving by identifying the process by which defendants are “flagged” and the criteria for removing the “flag.”

A defendant can opt out of MHC at any point in the process, even if he or she has already agreed to conditions of release. The defendant would still need to comply with the conditions, but could set the case for trial or plead to the opt-out recommendation.

² Competency evaluations ordered in a court other than MHC most often come from the jail arraignment court. One of the Defense Attorneys who staffs the jail court used to work in MHC, so he has a good sense of when competency is at issue.