

PROGRAM STRUCTURE

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Defendants are expected to meet all financial responsibilities imposed by the MHRC, including payment of restitution (if possible), in order to complete the program.

Upon successful completion of the MHRC requirements, the defendant's plea will be withdrawn and the charge(s) dismissed. If the defendant entered the program following a traditional case processing probation referral, he or she will not be eligible to have the charge(s) dismissed.

VICTIM RIGHTS

Under the Crime Victims Right Act of 1985, you are guaranteed certain rights. Even though a defendant may participate in a diversion program, all rights provided to victims will continue. It is important to note that the defendant may participate in this program for up to one year. Therefore, sentencing for their crime is delayed during that time.

As the victim of a crime, you have the option to waive the right to be completely reimbursed for money owed in restitution. The Court may also determine that the defendant does not have the ability to pay restitution and may legally discharge a participant who has not paid, but who has completed all other requirements of the program.

IMPORTANT CONTACT INFORMATION

Office of the Prosecuting Attorney

227 West Michigan Avenue
Kalamazoo, Michigan 49007
(269) 383-8900 main
(269) 383-8677 - Victim/Witness Unit

Kalamazoo County Community Mental Health and Substance Abuse Services (KCMHSAS)

418 West Kalamazoo Avenue
Kalamazoo, Michigan 49007
(269) 373-6000*

*Please ask for the MHRC liaison

Crime Victim Services Commission Michigan's Dept. of Community Health

320 S. Walnut
Lansing, Michigan 48913
(517) 373-7373
(877) 251-7373 (TOLL FREE)



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JEFF FINK
Prosecuting Attorney

MENTAL HEALTH RECOVERY COURT



*An innovative program
that links accountability
and compassion.*

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KALAMAZOO COUNTY MENTAL HEALTH RECOVERY COURT (MHRC)

OVERVIEW

The Kalamazoo County Mental Health Recovery Court (MHRC) is a specialized court that attempts to link criminal offenders with a mental illness to community-based services. MHRC is considered a part of the District Court and is utilized in lieu of traditional case processing.

MHRC focuses on the treatment and rehabilitation of offenders with a history of serious and persistent mental illness, while still holding them accountable for their actions and seeking redress for crime victims. MHRC has many purposes and goals, including:

- improving public safety by reducing recidivism;
- holding offenders accountable;
- diverting non-violent offenders out of the traditional criminal justice track;
- reducing the length of confinement for offenders with serious mental illness;
- creating a courtroom environment with a high degree of sensitivity to the specialized needs of the participants;
- improving the mental health and well-being of the participants;
- increasing access to treatment services;
- increasing access to support services such as housing, employment and education; and
- creating effective working relationships between the treatment and criminal justice systems.

ELIGIBILITY CRITERIA

Defendants may be admitted into MHRC, provided they are eligible to receive services from Kalamazoo County Community Mental Health and Substance Abuse Services (KCMHSAS) and have been diagnosed by a licensed and qualified mental health professional to have a serious and persistent mental illness. A KCMHSAS staff screens all persons referred to MHRC to determine if they meet this eligibility requirement.

In order for the Office of the Prosecuting Attorney (OPA) to refer an offender to the MHRC, each candidate must meet the following criteria:

- Kalamazoo County resident
- No pattern of violent behavior
- No previous violent or assaultive felony conviction
- No more than one prior assault/battery conviction
- No more than one prior domestic assault conviction
- No more than two prior felony convictions of any kind
- No violence at the time of arrest
- No weapons at the time of arrest
- No weapon used during the referring offense
- Crime is not a violation of the public trust
- Probable cause exists to charge the referring offense

Eligible offenses include:

- Retail Fraud, 3rd degree
- Malicious Destruction of Property under \$200.00
- Disturbing the Peace
- Disorderly Conduct
- Trespassing
- Larceny under \$200.00
- Embezzlement under \$200.00
- Illegal Entry

From time to time, there may be a defendant with mental health issues who does not strictly match the eligibility criteria listed above. If such an individual is identified and poses no threat to public safety, an exception to the eligibility requirements may be made to allow the person to participate in MHRC.

PROGRAM STRUCTURE

If a defendant wishes to enter the program and is accepted into MHRC, he or she will enter a guilty or no contest plea to their charge and the court will delay sentencing for up to one year.

During this time, the defendant will be court ordered to do many things, such as completing assessments; taking medication; seeking and maintaining other forms of treatment, completion of community service work, continued education, obtaining a job, and the payment of fine/costs/restitution/fees, as well as, bi-weekly reporting to MHRC. Also, court orders may include no contact orders and no alcohol or illegal drugs.