

# **Cherokee County Treatment Accountability Court**

In a collaborative effort, various interested parties involved with the Cherokee County justice system have worked to create the Cherokee County Treatment Accountability Court. The goal of this court is to address the needs of defendants who have come into contact with the criminal justice system due to their mental illness, thereby reducing the likelihood that they would have further encounters with law enforcement.

The Treatment Accountability Court is a hybrid model (post-conviction and pre-adjudication) program for both misdemeanor and felony offenders in which completion of the program would be a condition of their sentence. Like other accountability courts, this is a voluntary program and any defendant wishing to participate must be willing to comply with all terms and conditions.

After admission, participants in the program will be required to attend court, counseling, and case management. They would also be required to undergo random testing for alcohol and illegal drug use, as well as to ensure their compliance with any prescribed mental health medications.

As participants progress through the program, they will be working to establish stability in all areas of their life with the goal of their being able to live productively and free of future arrests. Each participant will be viewed as a person with very individualized issues and needs which will have to be addressed on that basis.

In order to be eligible to participate in the Treatment Accountability Court program, there are a number of qualifications that a defendant must meet:

## Medical Eligibility:

- Must have a documented or documentable primary diagnosis of serious and persistent mental illness which is defined as persons 18 years and older who suffer from a prolonged or recurrent mental illness, are impaired in activities of daily living, and require long-term treatment.
- Must be determined by risk/needs assessment to be a moderate to high-risk offender with moderate to high needs.
- May have co-occurring disorder.
- Cases involving diagnoses including personality disorders, developmental disabilities, traumatic brain injuries, and all forms of dementia are generally excluded. However, if there appears to be a reasonable likelihood that the participant will understand the responsibilities of participation in the program and will realize a benefit from the program then their admission may be considered by the Team.

## Legal Eligibility

- Must be 18 years of age or older.

- Must be facing charges which can result in a sentence of at least 18 months of incarceration or must be facing probation revocation in which the balance of the sentence is at least 18 months.
- Must be a resident of Cherokee County and have court-approved housing prior to program entry.
- Must be in this country legally and a United States citizen or permanent resident not subject to deportation due to a criminal charge(s).
- Must not be a registered sex offender in any jurisdiction.
- Must have been charged with or convicted of a crime in Cherokee County in which there is a reasonable likelihood that, but for the defendant's mental illness, the crime would not likely have been committed.
- Must not be currently charged with or have been previously convicted of murder, armed robbery, rape, aggravated sodomy, aggravated sexual battery, aggravated child molestation, child molestation, aggravated or violent offense against law enforcement, human trafficking, drug trafficking, RICO, violation of street gang terrorism and prevention act, or any firearm charges.
- Must not be on Conditional Discharge for any prohibited offense of the Treatment Accountability Court.
- All cases involving violent offenses not previously mentioned will be considered on a case-by-case basis and may be considered ineligible based in part on the nature and severity of the crime.
- Must be mentally competent to voluntarily enter into the program.

Any potential participant in the program should understand how they can possibly benefit from their inclusion in the program, what rights they will be giving up as a participant, what their obligations will be once they are in the program and what their sentence will be if they don't participate or if they fail to complete the program.

Some of the requirements include:

- Random drug testing throughout the program.
- Subject to random home and work visits throughout the program.
- Mandatory counseling and treatment.
- A program fee of \$1000.00
- Payment of fines, restitution and probation fees, unless waived or not assessed.
- Regular court appearances throughout the program.

If you believe someone may be eligible for inclusion in this program and they are interested in being considered for inclusion after reviewing the requirements, you may complete the Referral Sheet (with the Consent to Assess & the Criminal History Consent) and provide it to either the prosecutor or Ethan Childers, the Court Coordinator.

If they meet the legal requirements, then each defendant would undergo some basic assessments, and have their case reviewed by the Treatment Accountability Court team to determine whether they will be accepted into the program. If it is determined they would be eligible for entry into the program, they will be required to complete the appropriate

paperwork, and their case will be assigned to the Treatment Accountability Court judge and set for a plea. Following their plea, they will be formally accepted into the program.

Defendants that do not wish to participate will have their case move along the normal track for all criminal matters before the judge originally assigned to the case.

All contact for the program may go through the Treatment Accountability Court Coordinator:

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