SJI Funds National Initiative to Address Mental Illness in the State Courts

The state courts are experiencing increasing complexity in handling individuals who have mental illness, and oftentimes a co-occurring substance use issue. System-wide, mental illness has placed a strain on many communities and their resources, and jails are being used to detain those who need mental health treatment. The problem is exacerbated by the lack of a coordinated national, state, and community effort involving all three branches of government. In addition, lack of resources, empirically-based data, and a clearinghouse for state court leaders to learn the practical steps they can take to address the problem in their court systems also contribute to the problem.

To address this issue on a national level, SJI has awarded a major grant to the National Center for State Courts (NCSC), which will work in partnership with the Conference of Chief Justices (CCJ) and the Conference of State Court Administers (COSCA) on a mental illness in the courts initiative that will:

- Develop resources, best practices and recommend standards to address mental illness and the state courts response.
- Expand the NCSC website to create a centralized repository for state courts interested in improving court and community responses.
- Provide resources to improve caseflow management of civil commitment cases as well as felony and misdemeanor cases involving persons with mental illness.
- Provide education by developing national, regional, and statewide training and education opportunities for judges and court practitioners.
- Develop guides and resources on the Sequential Intercept Model, and adapt the SJI-funded Arizona Presiding Judge Guide titled, *Fair Justice for Persons with Mental Illness: Improving the Courts Response* for use nationally.
- Build capacity of state and national court leader to lead and implement reforms.

This national initiative will be based on the 2016-2017 COSCA policy paper, *Decriminalization of Mental Illness: Fixing a Broken System*. Additionally, CCJ/COSCA Court Management Committee working group has identified four areas for further action in addressing mental health:

1) developing resources, best practices, and recommended standards in state court responses to mental health issues;
2) improving caseflow management by examining civil commitment and criminal cases involving persons with mental illness to identify barriers to, and opportunities for, timely and effective case processing;
3) promoting education; and
4) building capacity to implement reforms

This new Initiative will support a resolution passed at the CCJ/COSCA 2018 annual meeting in support of improving the justice system response to mental illness. Promising approaches are currently being explored to address this problem, including the *Sequential Intercept Model*, which identifies where to intercept individuals with mental illness as they move through the criminal justice system, suggests which populations might be targeted at each point of interception, and highlights the decision-makers who can authorize movement away from or through the criminal justice system. Mental health codes require modification to permit timely, appropriately-targeted, court-ordered treatment for persons with mental illness, before and after contact with the justice system. It has also been acknowledged that individuals who are intercepted by the criminal justice system often have co-occurring mental health and substance abuse issues. As the initiative moves forward, more updates will be provided.