

Treatment for Special Needs: OFFENDERS WITH MENTAL HEALTH ISSUES

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Outline

- What is the Problem?
- What can be done about the Problem?
- What can my community do?
- Where can I get more information?



The Problem:

Criminalization of Persons with Mental Illness

Deinstitutionalization
Civil Commitment Laws



Offenders with Mental Illness (OMI)

- ~900,000 booked into U.S. jails annually have a serious mental illness [10%]
- ~250,000 of state prison inmates have a serious mental illness [16%]
- ~1 million probationers/parolees have a serious mental illness [20%]



Offenders with Mental Illness (OMI)

- **Police** spend a disproportionate amount of time with OMI; higher risk for injuries
- **Jails and Prisons** constitutionally required to provide treatment; Behavioral problems; Suicidal risks
 - *De facto mental health institutions*
- **Probation/Parole**: twice as likely to fail



What Can be Done?

President's New Freedom Commission on Mental Health, Subcommittee on Criminal Justice

- **DIVERSION** programs
- Adequate treatment in correctional settings
- Reentry programs



WHAT IS DIVERSION?

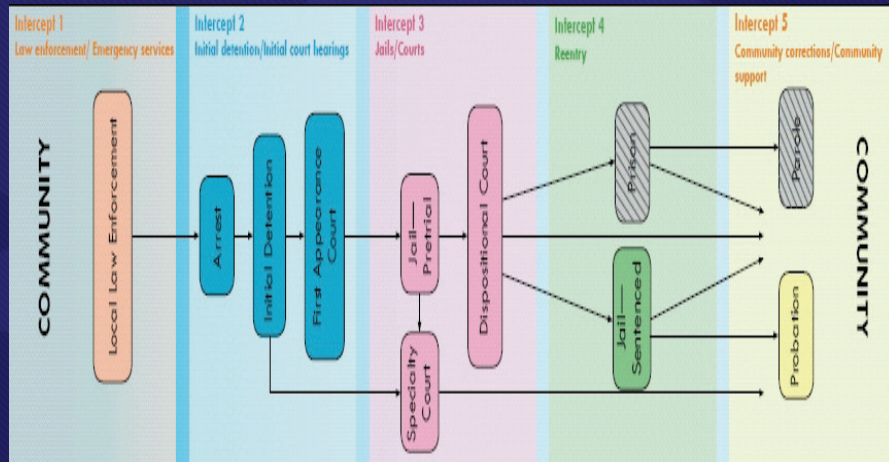


Formal Programs that DIVERT persons with serious mental illness FROM the Criminal Justice System TO Community Mental Health Treatment

Public safety and perceptions of risk are important considerations

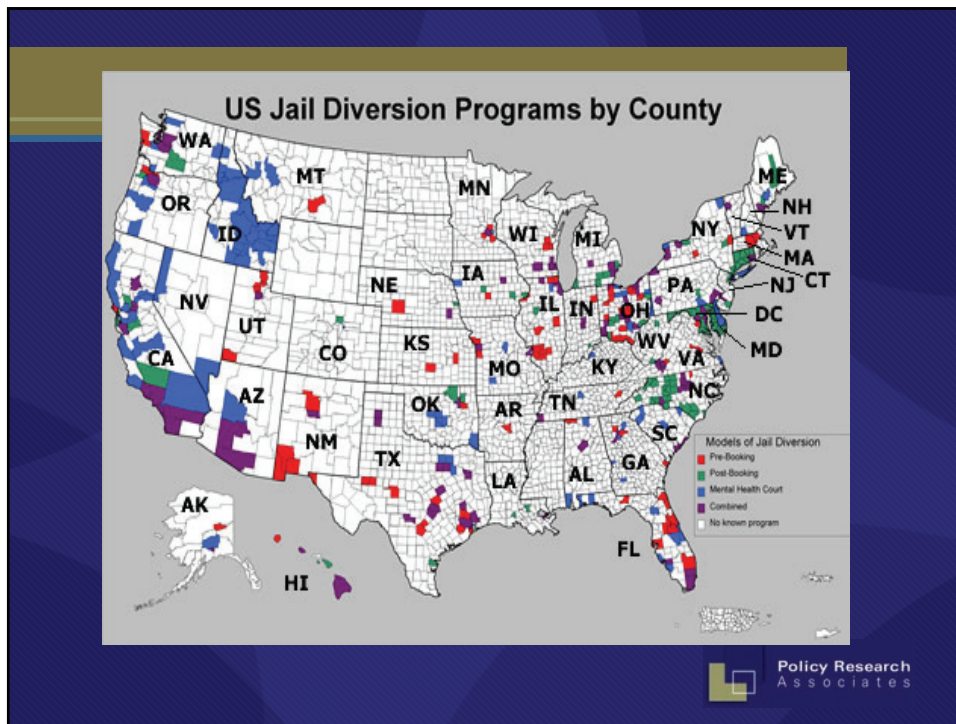


Sequential Intercept Model



Three Primary Forms

- PRE-BOOKING DIVERSION, N = 194
- POST-BOOKING DIVERSION, N = 171
- MENTAL HEALTH COURTS, N = 170



What is a Mental Health Court?

- Criminal Court
- Developed to decrease the repeated cycling through the criminal justice system
- Problem-solving court, Diversion Program, Specialty court
- Therapeutic Jurisprudence model

IF YOU'VE SEEN ONE MENTAL HEALTH COURT, YOU'VE SEEN ONE MENTAL HEALTH COURT



What is a Mental Health Court?

1. CRIMINAL COURTS FOR PERSONS WITH MENTAL ILLNESS

- Dedicated Judge, dedicated docket
- Eligibility
 - Clinical criteria:
 - 37% DSM IV Axis I
 - 21% Serious Mental Illness
 - 16% target specific illnesses
 - 26% no restrictions [e.g., demonstrable mental illness]
 - Criminal criteria:
 - 56% Misdemeanors and Felonies
 - 34% Misdemeanors Only
 - 10% Felonies Only



What is a Mental Health Court?

2. DIVERSION PROGRAM

- Reduce recidivism, while increasing public safety
- Two models: Pre- and Post-adjudication
 - 67% of MHCs require defendants to plead guilty
 - Another 16% MHCs *sometimes* require guilty pleas



What is a Mental Health Court?

3. VOLUNTARY

- The decision to enroll in the court is *intended* to be VOLUNTARY
- Decision made under stress, perhaps when unstable
- Knowing and intelligent components of decision-making rarely discussed



What is a Mental Health Court?

4. MANDATE AND MONITOR TREATMENT

- Mandate treatment
 - Individualized treatment plans
 - Many require written, signed contracts prior to enrollment
- Supervision
 - Judicial monitoring
 - Community supervision



What is a Mental Health Court?

5. POSITIVE AND NEGATIVE CONSEQUENCES

- Incentives and Sanctions
 - Incentives to enroll, incentives to maintain compliance, Graduation
 - Sanctions for non-compliance: gradated [increased status review hearings; community service; jail]



Should my community have a diversion program?

- What are the specific needs of my community?
 - What diversion program is right for us?
- Does my community have the TO (i.e., diversion *to* community treatment)?
- Is the mental health/substance abuse system willing to collaborate?



CSG Essential Elements of a MHC

1. Planning and Administration
2. Target Population
3. Timely Participant Identification and Linkage to Services
4. Terms of Participation
5. Informed Choice
6. Treatment Supports and Services
7. Confidentiality
8. Court Team
9. Monitoring Adherence to Court Requirements
10. Sustainability



CSG Learning Sites

- Akron Municipal MHC, OH
- Bonneville County MHC, ID
- Bronx County MHC, NY
- Dougherty Superior Court MHC, GA
- Washoe County Court, NV



Is Diversion Successful?

- Short answer is Yes
- BUT diversion does not work for all
- Conducting research to determine for whom and under what circumstances diversion “works”
- Long-term?



Cost-effective

- 1st year: cost-shifting
 - Saving jail days
 - CJ system to MH system
 - County to Federal (SSI/SSDI)
- 2nd year: cost-saving

http://www.rand.org/pubs/technical_reports/TR439/



For more information

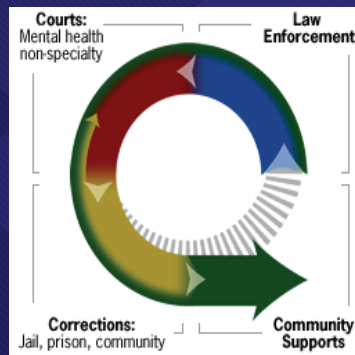
- National GAINS Center
<http://gainscenter.samhsa.gov>
- How-to-guides
 - How to obtain funding
 - How to deal with confidentiality issues
- Council of State Governments. Criminal Justice / Mental Health Consensus Project. <http://consensusproject.org/>



For more information

CRIMINAL JUSTICE / MENTAL HEALTH INFORMATION NETWORK

➤ <http://cjmh-infonet.org/>



For more information

➤ Judges CJ/MH Leadership Initiative (JLI)

➤ <http://consensusproject.org/JLI/>

- Judges as change agents
- Tools for your court
- Interfacing with other systems