

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 5

**In Support of Reforms to Effectively Address the Needs of Persons with Mental
Illness Who Come into Contact with the Court System**

WHEREAS, mental illness is a far-reaching problem with enormous impact on the judicial system;
and

WHEREAS, the Conference of Chief Justices and Conference of State Court Administrators recognize that persons with untreated mental illness cause a never-ending cycle of court interventions, especially in the criminal courts of each state; and

WHEREAS, the Conferences also recognize that the disproportionate number of people with mental illness in the criminal justice system is one of the most pressing problems facing law enforcement, courts, and corrections; and

WHEREAS, a collaborative and coordinated effort among the courts, executive agencies, communities, and mental health and substance abuse providers is required to effectively address the problems; and

WHEREAS, over the years courts have developed problem-solving courts and defined best practices for these courts; and

WHEREAS, in 2015, the Conference of States Court Administrators (COSCA) published a position paper, *Problem-Solving Courts in the 21st Century*, which includes recommendations for implementing current best practices; and

WHEREAS, Congress is considering a number of legislative proposals that seek to more effectively address the needs of persons with mental illness; and

WHEREAS, some of the legislative proposals have provisions that would:

- Reauthorize the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) of 2004 (Public Law 108-414), which seeks to address these problems by creating a system of planning and implementation grants for communities to improve coordination between criminal justice and mental health systems; and

- Reauthorize funding for Veterans Treatment Courts, which involve collaborations among the criminal justice system, veterans organizations, and mental health and substance abuse agencies; and
- Reauthorize funding for jail diversion programs administered by the Substance Abuse and Mental Health Services Administration; and
- Provide for training grants to improve the response to mentally ill offenders; and
- Encourage and give funding priority to multi-disciplinary collaboration reform efforts;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and Conference of State Court Administrators urge Congress to approve these legislative proposals; and

BE IT FURTHER RESOLVED that the Conferences urge the United States Department of Justice (DOJ) and the Substance Abuse and Mental Health Services Administration (SAMHSA) to adopt the best practices outlined in the 2015 Conference of State Court Administrators position paper as federal policy and regulations are developed; and

BE IT FURTHER RESOLVED that the Conferences urge Congress and DOJ and SAMHSA to provide adequate funding to state courts to: (1) provide training for judges and court personnel so that they understand and can more effectively address the needs of persons with mental illness; (2) further develop resources and best court practices; and (3) fully implement these resources and best practices;

BE IT FURTHER RESOLVED that the Conferences request that Congress require DOJ and SAMHSA to meaningfully consult with the highest judicial officer of the state on the use and distribution of grant funds within the state, and further, to secure a statement of support from the highest judicial officer or state court administrator to ensure that a grant to a local court is consistent with the statewide plan and will be sustainable when the federal funds are no longer available.

Adopted as proposed by the CCJ-COSCA Problem-Solving Courts Committee at the 2016 Annual Meeting.