

## Exploring Person-Centered Justice for Individuals with Behavioral Health Needs

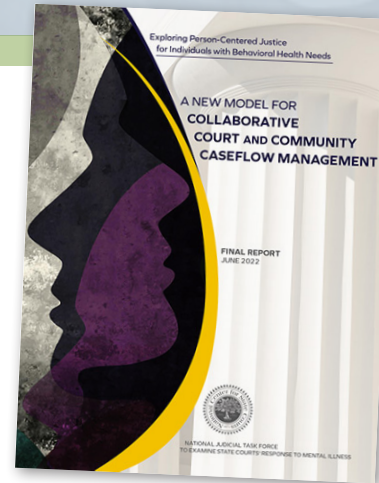
# A New Model for Collaborative Court and Community Caseflow Management

This Court Leadership Brief and accompanying [New Model Guide](#) were produced because traditional criminal case processes are not meeting the needs of justice-involved individuals, and a new comprehensive, collaborative approach is necessary to ensure public safety, control costs, and create fair and effective criminal justice and court caseflow management systems that meet the challenges of individuals with behavioral health needs. The National Judicial Task Force to Examine State Courts' Response to Mental illness (Task Force) is committed to redesigning systems to meet the needs of the estimated 70% of individuals seen in criminal courts today who have mental health, substance use, or co-occurring disorders, rather than the 30% who do not. Currently, most state courts generally do not have systems in place to adequately help those with behavioral health needs.

This task is made more urgent given the pandemic and crises across the nation with case backlogs resulting in individuals incarcerated for long periods of time without access to treatment and the lack of access to community-based treatment and inpatient facilities. Reducing barriers to access care within community-based clinics for mental health and substance use will prevent further negative interactions with law enforcement that lead to cases filed with the courts.

### **NEW MODEL DEVELOPED**

A New Model was developed to strengthen the collaborative court and community response to individuals with behavioral health needs, thereby strengthening public safety. Built on four pillars, the New Model aims to: 1. Strengthen community responses and minimize criminal justice system involvement; 2. Promote early intervention and effective management of court cases; 3. Institutionalize alternative pathways to treatment and recovery; and 4. Improve outcomes and manage post-adjudication events and transitions effectively. Bolstering each pillar are the essential elements which align with the [Sequential Intercept Model](#) (SIM) and are outlined in this brief. *For more information, see the [New Model Guide](#).*



### STRENGTHEN COMMUNITY RESPONSES AND MINIMIZE CRIMINAL JUSTICE INVOLVEMENT (SEQUENTIAL INTERCEPTS 0-1)

Structured ongoing collaboration among community stakeholders is required to build sustainable community-based responses for individuals with behavioral health needs and to minimize justice system involvement. The courts can either convene these efforts or ensure they are “at the table” and are promoting ideal behavioral health crisis systems, deflection and diversion systems, the identification of individuals who are entering and reentering the justice system and courts, as well as promoting prosecution alternatives.

#### ESSENTIAL ELEMENTS



- 1.1 Comprehensive Behavioral Health Crisis Systems
- 1.2 Deflection
- 1.3 Stop the "Revolving Door" into the Justice System
- 1.4 Prosecution Alternatives

### PROMOTE EARLY INTERVENTION AND EFFECTIVE MANAGEMENT OF COURT CASES (SEQUENTIAL INTERCEPT 2)

Early screening and identification of behavioral health needs and criminogenic risks coupled with timely criminal justice and court response to identify needed treatment and responses are essential to the New Model of Collaborative Court and Community Caseflow Management.

#### ESSENTIAL ELEMENTS



- 2.1 Screening and Assessment
- 2.2 Behavioral Health Triage
- 2.3 Jail Practices
- 2.4 First Appearance and Pretrial Practices
- 2.5 Prosecution Practices
- 2.6 Effective Defense Representation
- 2.7 Effective Caseflow Management



### **INSTITUTIONALIZE ALTERNATIVE PATHWAYS TO TREATMENT AND RECOVERY (SEQUENTIAL INTERCEPT 3)**

Implementation of court-led, team-based, problem-solving approaches to address individuals with behavioral health needs must effectively divert qualifying individuals away from traditional case management processes and toward treatment and recovery interventions. Diversion is an essential pillar of this new collaborative model. The information about the individual obtained during the early intervention including screening and assessment as well as effective management of the court case in the initial phase must be used to make informed decisions about the most appropriate pathway to treatment and recovery. The criminogenic risk and needs coupled with behavioral health screens and assessments and court case characteristics and history will inform the decisions about the alternative pathway to use to improve outcomes.

#### **ESSENTIAL ELEMENTS**



- 3.1 Diversion – A Pathways Approach
- 3.2 Civil Responses
- 3.3 Competency Dockets
- 3.4 Specialized Behavioral Health Dockets
- 3.5 Courtroom Practices
- 3.6 Treatment Courts
- 3.7 Other Pathways and Strategies to Treatment and Recovery

### IMPROVE OUTCOMES AND MANAGE POST-ADJUDICATION EVENTS AND TRANSITIONS EFFECTIVELY (SEQUENTIAL INTERCEPT 4-5)

Providing the resources and services for individuals with behavioral health needs as they transition back into the community is necessary to ensure public safety. It is the essential fourth pillar upon which this model is able to stand. Proactive caseflow management and community-based responses to promote positive behavioral health outcomes continue to be essential during this phase of collaborative caseflow management. Essential elements of this stage include the development of effective practices regarding community supervision and violations, transition plans and aftercare, and reentry. The court's responsibility to manage the progress of the case and role in ensuring positive outcomes for the individual also remain paramount.

#### ESSENTIAL ELEMENTS



- 4.1 Community Supervision and Violations
- 4.2 Transition and Aftercare Plans
- 4.3 Reentry Practices

*Traditional criminal case processes are not meeting the needs of the individuals served... a new comprehensive, collaborative approach is necessary to ensure public safety, control costs, and create fair and effective criminal justice and court caseflow management systems that meet the challenges of individuals with behavioral health needs.*



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