

Strengthen Community Responses and Minimize Criminal Justice Involvement

ESSENTIAL ELEMENT 3: Stop the “Revolving Door” Into the Justice System

POLICY

All courts should strive to identify and cultivate relationships to develop alternate resources for persons with behavioral health needs who cycle through the justice and behavioral health systems, including law enforcement, crisis stabilization units, emergency rooms, hospitals, behavioral health providers, jails, and the courts.

EVIDENCE-BASED PRACTICES

1. Improve identification of persons with behavioral health needs through:
 - Early, pro-active identification
 - Validated risk-need and behavioral health screening and assessment tools
 - Information-sharing agreements across agencies and justice partners
 - Protocols to adequately protect individual rights and privacy while proactively screening for needs
 - Identification of persons as they touch the entire justice system (family, civil, criminal, other) to provide individualized assessment of justice system interactions that one person has had across multiple cases
2. Develop shared goals across justice and behavioral health systems to divert individuals with behavioral health needs away from the justice system and toward treatment in order to effectively use resources and improve outcomes.
3. Empower collaborative change in communities using judicial leadership

to identify effective responses for individuals with behavioral health needs and to stop the revolving door of continual justice involvement.

4. Engage with local behavioral health agencies and justice partners to use cross-system identification of persons with behavioral health needs in a pro-active way, ideally before court involvement.

GETTING STARTED

Assess the current state of data-sharing between the court, jails, justice partners, and community providers.

Identify gaps in needed data and assess whether there is a place to capture these data in the current case management systems.

Look to the [National Court Data Standards](#) to develop new data elements not currently captured.

ROLES AND RESPONSIBILITIES

Establish an information-sharing agreement among system stakeholders.

Share data between systems to identify and respond to frequent utilization.

Protect individual rights and privacy throughout sharing process.

Screen for behavioral health needs at the earliest contact within each system. In the justice system, this would likely be with law enforcement or the jail.

Collect and link consistent, unique person identifiers across the systems. This identifier should be unique to one person and each person should have only one.

Identify and link related cases of different case types (e.g., criminal, civil, probate).

Integrate behavioral health data within the court's case management system. The judge should review this information before each hearing and decision in the case.

Convene system stakeholders and local experts to review trend data and to discuss the needs of individuals in the community that cycle through the systems. Make a collaborative strategic plan to lead change for this population.

Invest in data-driven solutions such as a data warehouse or case management system. Data can inform how to save, reinvest, and target resources to identify and connect individuals to needed services more effectively. Data should be utilized to educate, inform programs and policies, and serve as neutral evidence of the need for the creation or expansion of services.

NEXT GENERATION

Innovation, Technology, New Practice

Behavioral health triage and cross-system collaboration, coupled with judicial leadership, can serve as the focal point for identifying individuals with behavioral health needs cycling through behavioral health and justice systems. Enhanced data sharing agreements, established triage teams, and data governance frameworks should aim to promote the collection and ongoing review of data identifying those individuals with needs and developing pathways to treatment and recovery.

Institutionalization, Sustainability, Funding

A national health care model, [Certified Community Behavioral Health Clinics \(CCBHCs\)](#), and other state and local funding options for community-based behavioral health options are cost effective and can lead to significant cost savings downstream. For more information about CCBHCs, follow this link.

Robust community-based behavioral health systems and ideal crisis systems will minimize repeat case filings. These systems will promote early identification and prevention, improving responses and outcomes for individuals, families, and children.

RESOURCES

[State Courts' Responsibility to Convene, Collaborate, and Identify Individuals Across Systems](#)

[Leading Change: Improving the Court and Community's Response to Mental Health and Co-Occurring Disorders](#)

[The National Open Court Data Standards \(NODS\) Leadership Guide](#)

[Emptying the 'New Asylums': A Beds Capacity Model to Reduce Mental Illness Behind Bars](#)

[A Crisis in Search of Data: The Revolving Door of Serious Illness in Super Utilization](#)

[Data-Driven Justice Playbook: How to Develop a System of Diversion](#)

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