

Promote Early Intervention and Effective Management of Court Cases

ESSENTIAL ELEMENT 3: Jail Practices

POLICY

All courts should reach out to their county officials and jail administrators and learn more about the [Stepping Up Initiative](#) and/or other county efforts to develop and implement systems-level, data-driven plans that can lead to measurable reductions in the number of people with mental illnesses in local jails. Courts and counties can partner on the important goal of reducing the number of individuals with mental illnesses in jail by focusing on a range of strategies to reduce arrests, shorten jail length of stay, increase connections to treatment, and lower recidivism rates. Collaborative court and community case management for individuals with serious mental illness is recommended to take a person-centered approach to reducing the number of individuals with mental illnesses in jails.

EVIDENCE-BASED PRACTICES

Best practices in jails include universal screening for symptoms of mental illness and/or substance use disorders on all people booked into jail using validated tools to support opportunities for diversion and connections to care. In addition, jail administrators and court officials should identify opportunities to share this information through information sharing agreements and platforms to help inform case planning and processing. The [Stepping Up Initiative](#) identifies key data to collect regarding management in jails of those with behavioral health needs.

Judges, sheriffs, and jail administrators should promote the necessary collaboration with justice and behavioral health systems to ensure continuity of care of individuals and consistency in formularies and psychiatric medications.

Judges, sheriffs, and jail administrators should also examine and promote early opportunities for jail and court diversion programs with prosecutors, defense counsel, behavioral health providers, and others.

Community mapping and the [Sequential Intercept Model \(SIM\)](#) provides an opportunity for judges, sheriffs, and jail administrators to identify gaps and opportunities within the community to address the needs of individuals with behavioral health conditions and minimize justice system involvement.

Effective court case management practices limit the number of appearances required, minimize the number of days in custody, and reduce transportation needs.

The use of telehealth and video practices in jails increased during the pandemic. Jail administrators should evaluate the successes and challenges of these practices and consider continued use of telehealth and video practices.

State policy decisions and possible legislative action regarding Medicaid coverage should be examined. Suspension of benefits rather than termination of benefits allows coverage to be reinstated more quickly upon release. Other Medicaid related opportunities include care coordination services, reentry services 30 days before release, and electronic information exchange processes. Other considerations: jail populations are likely to have high Medicaid eligibility and access to healthcare is likely to positively impact children and families.

Public polls have found strong support for alternatives to detention; said pretrial detention should be prohibited for minor criminal offenses; wanted people charged with misdemeanors or nonviolent crimes to remain in their communities awaiting trial; and favored

spending more taxpayer dollars on treatment programs and victim services and less on jail for people who pose little safety risk.

Jail population review teams have proven effective in working together to reduce jail populations of individuals with behavioral health needs. Multi-disciplinary teams can plan necessary support services for individuals being released.

Criminal justice coordinating councils are another effective mechanism to improve jail, court, and community coordination and communication, practices which are essential to improve responses to individuals with behavioral health conditions.

GETTING STARTED

All courts should reach out to the jail administrator and ask what the court can do to improve court and jail relationships to improve efficiencies and outcomes for individuals with mental illness who come into contact with the justice system. All jail administrators should reach out to the presiding judge and/or the court administrator and suggest opportunities to collaborate. Responses could range from more frequent release calendars and reviews of individuals who remain in jail to less frequent continuances. All courts should ask if there are specific opportunities to work together to reduce the length of stay and number of individuals in jail with behavioral health needs.

ROLES AND RESPONSIBILITIES

Judges can convene meetings and be open to the views and perspectives of stakeholders in improving court and community responses to individuals with mental illnesses. Judges don't have to have all the answers, they can be good listeners and open to others. Judges can start regular communication with sheriffs, jail administrators, and other community stakeholders.

NEXT GENERATION

Innovation, Technology, New Practice

The diversity of court case management and jail data systems can be problematic but requires careful collaboration and communication to ensure the sharing of data. New practices require getting started and examining your numbers – how many individuals are in the jail who have mental health conditions, how long are they staying in jail, and other key measures to communicate to the courts, prosecution, and defense. More information on how to get started can be found in [Data-Driven Justice: A Playbook for Developing a System of Diversion for Frequent Utilizers](#). From there, you can work to generate automated reporting of this data.

The use of peers in court and jail diversion programs should also be considered to strengthen warm handoffs and effective transition practices.

RESOURCES

[Reducing the Number of People with Mental Illnesses in Jail: Six Questions](#) (Council of State Governments Justice Center - CSGJC)

[Brief Jail Mental Health Screen](#)

[Reducing Mental Illness in Rural Jails](#) (The Stepping Up Initiative)

[Stepping Up Strategy Lab](#) (CSGJC)

[Convening County, Court, and Justice Leaders: A Framework for Cross-System Collaboration](#) (State Justice Institute)

[Jail Population Review Teams](#) (NACo)

[Resources on Criminal Justice Coordinating Councils](#) (NACo)

[Guidelines for Developing a Criminal Justice Coordinating Committee](#) (National Institute of Corrections)

[Collaborative Comprehensive Case Plans](#) (CSGJC)

[Population Review Teams: Evaluating Jail Reduction and Racial Disparities Across Three Jurisdictions](#) (Safety+Justice Challenge)

This document was developed under the Mental Health Initiative: Phase II Grant #SJI-20-P-054 from the State Justice Institute and approved by the Task Force Executive Committee. The points of view expressed do not necessarily represent the official position or policies of the State Justice Institute.

May 2022

