

Chief Justices' Criminal Justice/ Mental Health Leadership Initiative Project Overview and Application: 2008

State Supreme Court chief justices are invited to apply to participate in the Chief Justices' Criminal Justice/Mental Health Leadership Initiative, a project coordinated by the Council of State Governments Justice Center with help from the National GAINS Center. Selected chief justices will receive technical assistance and a small amount of funding to establish a task force of state leaders that will address criminal justice/mental health issues in the state.

The task force is expected to develop a collaborative, statewide strategic plan, with concrete policy changes that can be enacted by the end of the year-long initiative.

This project is a component of the Judges' Criminal Justice/Mental Health Leadership Initiative (JLI). The Advisory Group that guides the JLI will help identify three to four states to participate.

In 2007, seven states were chosen for the initiative: California, Florida, Georgia, Missouri, Nevada, Texas and Vermont. States that applied but were not selected are strongly encouraged to reapply in 2008.

*The solicitation can be found on page 5.
Applications are due by July 11, 2008.*

Background

WHAT IS THE SCOPE OF THE PROBLEM?

- People with mental illnesses continue to be overrepresented in the criminal justice system. Prevalence estimates of serious mental illness in jails range from seven to sixteen percent, or rates four times higher for men and eight times higher for women than found in the general population.¹
- Studies have also found that people with mental illnesses are more likely to be arrested than those without mental illnesses for similar crimes and stay in jail and prison longer than other inmates.²
- This situation not only adversely affects the well-being of these individuals with mental illnesses cycling through the criminal justice system but has a significant impact on public safety and the spending of taxpayer dollars.

1. Paula Ditton (Bureau of Justice Statistics), *Special Report: Mental Health and Treatment of Inmates and Probationers* (Washington, D.C.: U.S. Department of Justice, 1999). *The Prevalence of Co-Occurring Mental and Substance Use Disorders in Jails* (Delmar, N.Y.: National GAINS Center, 2002). Revised Spring 2004. L. Teplin, K. Abram, and G. McClelland. "Prevalence of psychiatric disorders among incarcerated women: Pre-trial jail detainees." *Archives of General Psychiatry* 53 (1996): 505-512.

2. Linda Teplin (National Institute of Justice), *Keeping the Peace: Police Discretion and Mentally Ill Persons* (Washington, D.C.: U.S. Department of Justice, 2000). Fox Butterfield, "Asylums Behind Bars: A special report: Prisons Replace Hospitals for the Nation's Mentally Ill," *New York Times*, March 5, 1998, Section A, p.1.

WHAT ARE JUDGES DOING TO ADDRESS THIS PROBLEM?

- Given their interest, commitment, credibility, and independence, some judges across the country have been convening committees and task forces of criminal justice and mental health leaders to improve the response to people with mental illnesses in contact with the criminal justice system.
- Many judges have also played key roles in establishing mental health courts, improving pre-trial service programs for people with mental illnesses, and promoting specialized police-based response programs for law enforcement officers.

WHY SHOULD STATE SUPREME COURT CHIEF JUSTICES BECOME INVOLVED?

- Chief justices are uniquely positioned to stimulate collaboration among state government officials and community leaders and to encourage them to develop joint initiatives within the criminal justice/mental health systems.
- Chief justices can support and sustain the efforts of judges who have already begun to address these issues locally and encourage other judges to begin problem-solving initiatives in their own communities.
- The Conference of Chief Justices encouraged chief justices to take a leadership role in addressing criminal justice/mental health issues in a resolution passed by its members in January 2006. (<http://ccj.ncsc.dni.us/MentalHealthResols.html>)

WHAT WERE THE CHIEF JUSTICES WHO CHAIRED TASK FORCES ABLE TO ACCOMPLISH?

“I am very pleased to have participated in this initiative. It allowed us to harness a number of isolated efforts into one coordinated plan that has gotten statewide recognition, including the support of the Legislature. By bringing all of the relevant players to the table and getting them energized around a common goal, we are now much better positioned to have a lasting effect on criminal justice/mental health policy.”

– Honorable Sharon Keller, Presiding Judge, Texas Criminal Court of Appeals

“This initiative afforded us the chance to take a close look at how the judiciary can have an impact on criminal justice/mental health issues. In the last year, we’ve made remarkable progress. We are working closely with relevant decision-makers such as the Sheriffs’ Association to institute procedural changes that we think will help jurisdictions to keep people with mental illnesses out of the criminal justice system.”

– Honorable Leah Ward Sears, Chief Justice, Georgia Supreme Court

In 2007, the chief justices succeeded in forming diverse task forces that have raised the visibility of criminal justice/mental health issues in their states and developed clear plans for improving outcomes for people with mental illnesses involved with the criminal justice system. Highlights of the work accomplished include:

- Florida’s task force created a comprehensive report detailing how to reduce the state’s dependence on state forensic mental health beds and reinvest millions of dollars spent on these beds in community-based mental health treatment. This report prompted a statewide conference attended by the governor and former Cabinet members, and lawmakers have used the report to develop legislation.
- In Texas, the task force designed an information-sharing system that indicates in public safety records when individuals have had contact with the state mental health system so that jail personnel can more quickly connect them with treatment. The Legislature adopted this mechanism in a bill passed last spring, and implementation will take place in the fall of 2008.
- Georgia’s task force, in partnership with the state Sheriff’s Association, has developed a jail screening protocol and is now conducting trainings across the state. The task force is also working on the prototype for a system of judge appointed-mental health advocates to connect defendants with mental illnesses with community-based treatment services more effectively.

For more information on the task forces and to view editorials run in Florida and Georgia newspapers on the work of the task forces, visit <http://consensusproject.org>.

Initiative Goals and Expectations

WHAT IS REQUIRED OF THE TASK FORCE?

- The state Supreme Court's chief justice or the justice appointed to lead the task force will take an active role in this initiative, including attendance at and participation in a policy forum in the fall.
- The chief justice will designate one person to coordinate the task force's day-to-day activities and to serve as a lead contact for project staff.
- The chief justice will convene the task force on a regular basis, including at least one meeting before the policy forum. The group may also use conference calls to facilitate discussion but should strive to meet every two to three months at a minimum.
- At the forum, each task force will develop a preliminary draft plan that includes (1) the issues on which the task force will initially focus, (2) the projected deliverables for the year, and (3) the governance structure for the task force, including how it will be staffed and supported throughout the duration of the initiative.
- Each task force will establish a cohesive structure that will support statewide initiatives to improve outcomes for people with mental illnesses involved in the criminal justice system.
- The plan the task force designs and advances will build on any successes already achieved in the state (e.g., one county's mental health court or an ongoing partnership between a police department and its local court), leverage other relevant efforts already underway, and improve policymakers' understanding of criminal justice/mental health issues.
- The task force should be able to demonstrate concrete accomplishments approximately one year after its inception. While the task force can develop longer-term strategies, at least some of the goals identified should be achievable in the indicated time period.

WHO WILL SERVE ON THE TASK FORCE AND WHAT ARE ITS OBJECTIVES?

- The chief justice, or the state Supreme Court justice whom the chief justice designates, will chair a task force of high-ranking state officials and representatives from all three branches of government. Task force members should collectively reflect the leadership of the state's criminal justice and mental health systems, as well as representatives of other relevant systems (e.g., housing) and interest groups (e.g., mental health advocates).
- Each task force will design and begin to implement a statewide strategy to improve the response to people with mental illnesses in contact with the criminal justice system. The strategy will focus on the operation of the state's criminal court system and its interface with the mental health system but should also recognize that for any strategy to be comprehensive, it must consider the role of state and local law enforcement and corrections.

WHAT IS THE TASK FORCE ELIGIBLE TO RECEIVE?

- Access to the nation's top experts in this issue area, administrators of successful policies and programs in other jurisdictions, and summaries of research and program models tailored to meet the state's specific requests for information
- Participation in an invitation-only two-day forum (hotel, airfare, and meal expenses included) of state task forces in the initiative
- Up to \$15,000 in funding to cover some of the costs associated with staffing and convening the task force from August 2008 through the summer of 2009 (in addition to forum expenses)
- Assistance with the development of a strategy to sustain the work of the task force (e.g., securing funding from foundations and other sources within the state)
- At least one on-site technical assistance event conducted by Justice Center and GAINS Center staff to support task force activities in 2008–2009

Initiative Timetable

- Applications are due to the Justice Center by July 11, 2008.
- The JLI Advisory Group will recommend three to four states to participate in July.
- Each chief justice will be notified of his/her selection in August 2008.
- Justice Center and GAINS Center staff will conduct conference calls with the chief justice and key staff throughout August and September as task force membership is finalized.
- The chief justice should convene the task force by the start of October to talk about the current status of criminal justice/mental health issues in the state and possible goals for the group.
- In October/November 2008, the Justice Center and GAINS Center will host a forum of key leadership from all of the states selected (date and location TBD).
- The task force will receive support and technical assistance from the Justice Center and GAINS Center for roughly one year, depending on the pace of the task force's work and the specific needs of the projects generated.

About the JLI, the Justice Center and GAINS Center

The Council of State Governments Justice Center and the National GAINS Center provide technical assistance to state and local governments on behalf of the U.S. Department of Justice and the U.S. Department of Health and Human Services. The Justice Center and GAINS Center convened judges from across the country who were leaders in this issue area and with their help launched the Judges' Leadership Initiative. Co-chaired by Kathryn Zenoff, an appellate justice in Illinois and Steven Leifman, a criminal court judge in Miami Dade County, the JLI seeks to: 1) support and enhance the efforts of judges who have already taken leadership roles on criminal justice / mental health issues in their community; and 2) promote leadership among more judges to address the overrepresentation of people with mental illnesses in the criminal justice system.

During the first year of activities the Justice Center and GAINS Center covered all expenses associated with the JLI through existing grants they received from federal agencies and private foundations. The chief justice project is currently supported by grants from the JEHT Foundation and the Conrad N. Hilton Foundation.

Application for the Chief Justices' Criminal Justice/ Mental Health Leadership Initiative

Please provide answers to each of the questions below. Responses should be numbered, and the application in its entirety should not exceed five pages single-spaced (excluding any attached materials).

1 Provide the following information:

State | Name of chief justice | Name and title of contact for the initiative | Telephone number of contact | Email/ mailing address of contact

2 Provide a short problem statement that includes an explanation of why a task force needs to be established in your state to improve the response to people with mental illnesses in the criminal justice system and what it might accomplish. When possible, support the problem statement with data, information on how data is shared across agencies, government reports, or news articles that reflect the current status of this issue in your state or in a particularly relevant county/municipality in your state. Please include **no more** than 5 attachments with the application.

3 Describe any existing commissions, task forces, or committees created to improve the response to people with mental illnesses involved with the criminal justice system, as well as any state or local programs that are the result of criminal justice/mental health collaboration. Explain how your task force will build upon these current initiatives and programs.

4 Describe briefly how the award provided through this initiative would support the work of the task force. Discuss current sources of funding, if any, for planning or implementing collaborative criminal justice/ mental health initiatives in your state.

5 Provide a statement of the chief justice's commitment to engage a wide range of task force members, including leaders of the state's criminal justice, mental health, and substance abuse treatment systems, and consumers and advocates. Preference will be shown for proposals that include task force membership from all three branches of government and reflect bipartisan support for the initiative.

6 Indicate whether the chief justice will lead the task force and participate in key meetings, or if this role will be delegated to another state Supreme Court justice. If the function will be delegated to another justice, please provide his/her name and describe how the chief justice will stay involved with the task force. (The chief justice may designate another justice to lead the initiative if the latter has more experience with criminal justice/mental health issues.)

7 Indicate the staff person who will provide logistical and administrative support to the task force, such as organizing meetings, recording priorities, and developing materials. Please provide contact information if this person is not the primary contact listed above.

