

**Plenary Session Talk – Mental Health Courts and Beyond: What  
Have We Learned and Where Are We Going?**

**I. What Have We Learned?**

- 1. There is a lot of interest in MH courts**
  - Dramatic growth, 1997-2005
  - Now: at least 126 MH courts
  - Over 400 people at this conference
  
- 2. MH courts are basically a local-level phenomenon**
  - Some courts started with BJA or SAMHSA grants. BUT
  - Many others started because local practitioners recognized that long-existing practices simply weren't working, and took the initiative to develop a MH court.
  
- 3. Initial research indicates that MH courts are more effective in dealing with some categories of cases involving mentally ill persons than are “traditional” courts.**
  - Focus on underlying issues
  - Less recidivism
  - Better outcomes for individuals.
  
- 2. Drug courts are relevant models in some respects.**
  - Special dockets
  - Judicial reviews – attention to individuals
  - Recognition that “criminal” behavior is rooted in mental health issues
  - Partnerships and collaboration
  - Judicial leadership
  - Team approach – non-adversarial process
  - Emphasis on obtaining relevant information and using it for decision-making

## **BUT**

**4. MH courts are not drug courts, and the differences are important.**

- Not illegal to be mentally ill
- Not appropriate to simply adopt same sanctions and incentives used in drug courts
- Compliance with conditions usually more difficult to monitor
- Different sets of service providers and constituent groups

**5. MH courts are not the only effective way to respond to mentally ill persons who come into contact with the criminal justice system.**

- Consensus Project – total system approach
- Roles for police, jails, pretrial services, etc.

**6. Judicial leadership is very important. Judges are key actors**

- Organizing and presiding at MH courts
- Drawing attention to broader system improvement issues and needs.

**7. MH courts are not a panacea – need to consider full array of possible approaches.**

**8. Collaboration is essential.**

**9. This is an area in which it is possible to build coalitions across many institutions and across conventional political divides.**

- Not a liberal-conservative issue
- Not a Republican – Democrat issue.

## **II. Where are we going? And where should we be going?**

**It is clear that there will be more MH courts**

- Interest and momentum are there
- Good likelihood of federal funding in the future
- Good resources already available
  - e.g., CSG publications

**First rule: DO NO HARM!!**

### **Ten Key Questions for Shaping the Future:**

1. **What are the objectives? What are we trying to accomplish by setting up a MH court?**
  - **NOTE: Different people, with different agendas and institutional responsibilities, will have different answers to this question.**
2. **What categories of persons – with what types of charges and what types of mental illness – should be considered for the program?**
3. **How do we ensure that MH court practitioners have the needed knowledge, skills and abilities?**
  - **How do we provide the education needed for effective performance? – especially with frequent turnover?**
4. **How do we use limited resources effectively?**
  - **Target group issue.**
  - **2-stage process of determining who to serve:**
    - i. **eligibility**
    - ii. **appropriateness, in light of program's resources**
5. **How do we ensure truly voluntary choice?**

6. How do we ensure that treatment doesn't turn into punishment without any adjudication of guilt?
7. How do we learn when and why MH courts are effective?
  - What types monitoring of participants and program?
  - How do timely and useful evaluation?
8. What approaches are most effective for persons with co-occurring disorders –mental illness AND substance abuse?
  - Data: 75 percent of persons with mental illness who come into the criminal justice system have a co-occurring substance abuse disorder.
  - Few Tx providers are qualified – and willing – to provide integrated services
9. Where will we find the needed funding?
  - To start a MH court
  - To sustain it over time
10. How do we bring about comprehensive system improvement?
  - Need significant changes in both criminal justice and mental health/social service delivery systems.
  - MH courts a potential vehicle for transformation in societal responses to mentally ill persons involved in criminal justice processes.