

JUDGES' CRIMINAL JUSTICE/MENTAL HEALTH LEADERSHIP INITIATIVE

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newsletter

Fall 2006

Report from the Judges' Leadership Initiative National Meeting

On April 5, 2006, the Judges' Criminal Justice / Mental Health Leadership Initiative (JLI) convened its Third Annual National Meeting in Boston, MA. The meeting was held in conjunction with the 2006 GAINS National Conference, a bi-annual event bringing together hundreds of practitioners, administrators, consumers, and researchers involved with criminal and juvenile justice and mental health and substance abuse treatment. Approximately 60 judges were present.

A. Kathryn Power, director of the Center for Mental Health Services (CMHS), delivered the afternoon's keynote address. Director Power spoke of the crucial judicial role in the process of mental health system transformation and integration with the substance abuse, housing, social service, and criminal justice systems. She highlighted the issue of trauma as an example of where criminal justice and mental health systems can cooperate. A strong partnership between these systems can increase identification and treatment of the effects of trauma, thereby improving an individual's mental health care and possibly reducing the chance of future contact with the criminal justice system. (For more information on developing a trauma-informed court, please refer to the spring 06 edition of the JLI Newsletter, available at <http://consensusproject.org/JLI/>).

Following a response panel led by Judges Ginger Lerner-Wren, Katherine Zenoff, and Tamara Curry, participants broke into discussion groups organized around three topics. Highlights of these discussions follow.

Forming a Statewide Task Force, as reported by Judge John Allen (Georgia)

A statewide task force should consider the full criminal justice continuum, from police encounters with people with mental illness to re-entry and community supervision, rather than focusing narrowly on the creation of a specific program in one community. Judges should ensure that the task force includes broad representation from stakeholders, including consumers, family members, and advocates. Other important issues to consider include: funding—a budget is not necessary to establish a task force; law enforcement personnel can be powerful allies; the influence

of the chief justice can be instrumental in establishing a statewide task force (visit <http://consensusproject.org/JLI/> for a copy of the resolution recently approved by the Council of Chief Justices in support of the JLI); having the

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Message from the Co-Chairs: Announcing a Grant Opportunity

Judges—particularly chief justices—are in a unique position to improve their States' response to justice-involved people with mental illness. Recognizing the important role that chief justices can play in stimulating, focusing, and sustaining collaboration between the criminal justice and mental health systems, we are pleased to announce an upcoming effort: Chief Justice-Led Task Forces to Promote Criminal Justice/Mental Health Partnerships.

Over the coming months, and with support from the JEHT and Hilton Foundations, the JLI's coordinators (the Council of State Governments and the National GAINS/TAPA Center) and advisory group plan to identify several States in which the chief justice is in a position to lead an interdisciplinary, multi-branch, and bipartisan team to develop and implement statewide policy solutions to criminal justice and mental health issues. The Council of State Governments and the National GAINS/TAPA Center will support and assist these teams as they design their statewide plans. This support will include on-site technical assistance visits and a national forum of State teams.

A request for applications will be released in October. The JLI coordinators and Advisory Group hope to select State teams by January 2007. We look forward to updating you on the progress of this exciting initiative.

Hon. Evelyn Stratton

Associate Justice, Supreme Court of Ohio

Hon. Steven Leifman

Associate Administrative Judge, Miami-Dade County Court Criminal Division

<http://consensusproject.org/JLI>

news release from the BJS: *Mental Health Problems of Prison and Jail Inmates*

In September 2006, the Bureau of Justice Statistics released *Mental Health Problems of Prison and Jail Inmates*, its first examination of mental health issues in five years. Based on inmates' self-reporting of mental health symptoms, the study found that slightly more than half of all prison and jail inmates have "mental health problems." While this percentage is clearly higher than that of the seriously and persistently mentally ill individuals served by mental health courts and other diversion programs, the report illustrates the great need for expanded mental health services within correctional institutions, as well as increased options for jail diversion. To access the report, visit <http://www.ojp.usdoj.gov/bjs/pub/press/mhppjipr.htm>.

Resources from GAINS TAPA and The Consensus Project

➤ *Share Your Expertise on Mental Health Courts*

The Council of State Governments (CSG) wants you to share your mental health court expertise by participating in a national effort to survey all existing mental health courts. The information collected through this effort will serve as a resource for communities working to plan or implement their own court-based programs. To participate, please visit the Criminal Justice / Mental Health Information Network website at www.cjmh-infonet.org.

For more information, contact Hope Glassberg at 212-482-2320, hglassberg@csg.org.

➤ *TAPA Free Easy-Access Net-Teleconference: Dispelling the Myths about Sharing Data between Mental Health and Criminal Justice Systems*

On Monday, November 13 at 2:00 EST, the TAPA Center for Jail Diversion will present its 8th Free Easy-Access Net-Teleconference. Confidentiality concerns often create barriers to information sharing between the criminal justice and mental health systems. These barriers have been heightened since enactment of the HIPAA regulations. In this presentation, Florida Mental Health Institute Researcher John Petrila, JD will discuss HIPAA facts and HIPAA myths and will make clear that the type of information sharing required for cross-system collaboration is possible. Visit www.gainscenter.samhsa.gov for more information and to register.

Spotlight On...



Supportive Housing Gains Traction in Ohio

Recognizing the profound negative effect the lack of safe and stable housing can have on a person's success in mental health court, Ohio Supreme Court Justice and JLI Co-Chair Evelyn Stratton has allied with the Corporation for Supportive Housing (CSH), a national nonprofit organization that helps communities create housing with services to prevent and end homelessness.

Supportive housing—permanent, affordable housing linked to health, mental health, employment, and other support services—is a proven, cost-effective way to end homelessness for people who face the most complex challenges, both in and out of the criminal justice system. In Ohio, where there is an estimated need for 6,000 to 6,500 units of supportive housing, CSH and six state agencies have formed a partnership committed to developing more supportive housing in the state; Justice Stratton is a champion of this effort. Through its national office, CSH's Ohio program recently received a \$478,000 Robert Wood Johnson Foundation (RWJF) grant to support the partnership and help shape a more integrated system for supportive housing.

Housing issues also dramatically affect those coming out of the prison system and are a key factor in high recidivism rates. Because of this, CSH is implementing a three-year, \$6 million initiative called "Returning Home," funded by the RWJF. Justice Stratton, along with Terry Collins of the Ohio Department of Rehabilitation and Corrections, have agreed to co-chair the national advisory board for this initiative, which will focus on establishing supportive housing for ex-offenders, and promoting public policy changes to better integrate the corrections, housing, and health and human service systems in New York City, Los Angeles, and Chicago, among other cities.

For more information about supportive housing and CSH, visit <http://www.csh.org>.

Coming soon...

new resource for judges: *Judge's Guide to Mental Health Jargon*

This tabbed, easy-to-use pocket guide, produced by the TAPA Center for Jail Diversion, provides quick references on mental health terms relating to treatment and supports, diagnoses, medications, and commonly used acronyms. Sign up now for the JLI Listserv at <http://consensusproject.org/JLI> to ensure notification of the Guide's availability.

<http://consensusproject.org/JLI>

governor's office establish a task force through an executive order can facilitate the process; and judges should use their influence but remain cognizant of the importance of collaboration in forming effective task forces.

Sanctions and Incentives, as reported by Judge Patricia Marks (Rochester, NY)

When deciding to employ sanctions and incentives within a mental health court or jail diversion program, judges should consider the most effective way to keep an individual enrolled in treatment and moving toward recovery. Working with a treatment team—asking questions about an individual's history with the court, the appropriateness of treatment, and the influence of medication on an individual's behavior—can help judges to identify appropriate sanctions and incentives and track individuals' progress in treatment. Jail time as a sanction should be used as a last resort, and individuals should never receive more jail time for noncompliance than they would have received on the original charge.

Managing Adverse Events, as reported by Judge Rene Cardwell-Hughes (Philadelphia, PA)

Even the best planned diversion program can experience an adverse event—when a diverted individual makes headlines as a result of a new charge. The negative effects of an adverse event can be mitigated if the diversion program has maintained its commitment to educating the community and engaging media and stakeholders. Creating a Disaster Response Plan before a crisis occurs is highly recommended as well. JLI Co-Chair Judge Steve Leifman reported that the Miami diversion program has even developed a DVD featuring supportive statements from the mayor and other local opinion leaders. Another judge spoke of increasing public awareness of mental health issues by impaneling a Grand Jury to investigate the criminalization of individuals with mental illness. If crises occur, the diversion program should be prepared to present a competent spokesperson; however, judges should not fill this role since the individual who precipitates the crisis will eventually end up on someone's docket. ■

Surviving Katrina: A Letter from Hon. Calvin Johnson, Past Chief Judge, Criminal District Court, Orleans Parish, LA

Facing Disaster in New Orleans

We commemorated August 29 in some fashion, but that's the wrong day. It was the morning of August 30 when my heart broke. When I saw the first pictures of the levee break, I started to cry and have been crying ever since. I don't want to cry any more.

On September 7, 2005, I came back to New Orleans, accompanied by our Judicial Administrator (JA), deputy JA, and IT guy. We came back to retrieve everything we could think of to operate the Criminal Court in exile. We were told that the water was toxic and to take a series of pills and shots to protect us from diseases. We were told that snipers were everywhere and to arm ourselves for protection, but we declined. At South Galvez and I-10, we commandeered some Department of Corrections personnel with boats to bring us to our court. When we arrived at the courthouse, we found that stray dogs had occupied the building. The courthouse was now an island refuge for the stranded and abandoned.

On the following day we began operating the Orleans Parish Criminal District Court in exile at Southern University in Baton Rouge. Our first task was to contact all of our court personnel. Judges who were displaced all over America had to be located and informed of the court's new home. Cell phones were useless but text messaging seemed to work. Judges, who before the storm didn't use a cell phone, quickly learned how to text message. Court personnel still had to be paid, so we collected checking account information and deposited checks in national banks so personnel could access their pay.

We convened court all over Louisiana. The judges of the Criminal District Court, traumatized, depressed, and homeless, traveled all over the state trying to determine how to operate a court without any of the normal underpinnings. How do we operate a justice system when the police, district attorney, and public defender are shattered and scattered? What is our responsibility and how do we release people from jail who are physically dispersed across Louisiana? Was it simply a release, or did it include help with relocation? We determined that we had to do more than simply release an individual.

Thank God for Specialty Courts!

We moved back into our courthouse in June, where 13 judges now operate out of six shared courtrooms. The lack of personnel across the criminal justice system, from police to court clerks, limits the hours of the court's daily operation.

We operate six drug courts, a domestic violence court, a mental health treatment court, and a night court. In the past, the plans for the coordinated release of defendants included assigning our case managers to the release process. Now, their duties include locating shelters to place those released or contacting family members who could help by transporting the



Hon. Calvin Johnson

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individuals, as well as connecting them with specialty courts in other jurisdictions. However, the court had no way of dealing with the trauma caused by the hurricanes, the evacuation, and the displacement. We are still dealing with the residual effects of the displacement on individuals.

So, here we are a year after Katrina and still we suffer. Even with our newly discovered coping skills, some days are just too much to bear. The accumulation of issues, from housing to displaced family members, to death and illness, are still overwhelming. The effect of what we have experienced remains. However, I am convinced that our resiliency will see us through. It is because of our resiliency and coping skills that we are sustained and are beginning to become whole again.

A Judicial Call to Action

A key part in this process of recovery has been recognizing that the effects of trauma can touch us all. Now we understand that disaster preparation must consider the effects of trauma on first responders, as well as the victims of disaster. Our evacuation plan includes a team that will remain in New Orleans even after an evacuation is ordered. The plan also ensures that the team's families will be provided for and that information about their status will be available.

One of the underpinnings of the specialty court movement is the Court as a Catalyst for Systemic Change. Since Katrina, we have seen that we must take an even greater role in issues involving persons with mental illness. New Orleans remains in a mental health crisis and it is clear that solving this crisis is going to take a coordinated and collaborative effort. The court is in a position to speak with a loud voice—we will use that voice in New Orleans! It is there for your use: Don't let it remain idle!

More of Judge Johnson's comments are available on the JLI website: <http://consensusproject.org/JLI> — Ed.

After the Crisis Initiative

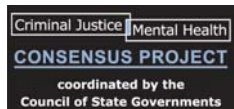
Judge Johnson is a member of the After the Crisis (ATC) Initiative, a CMHS-funded project coordinated by the National GAINS Center. The ATC Initiative is dedicated to educating and organizing constituents committed to developing national, state, and local readiness and capacity to begin integrating the principles and practices of emerging, peer-run disaster response programs for people with mental health, criminal justice, and/or previous abuse histories into mainstream disaster response efforts. For more information about ATC, visit the Initiative's website at <http://gainscenter.samhsa.gov/atc>.



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on the docket

National Judicial College
Managing Cases Involving Persons with Mental Disabilities
Reno, NV ♦ **October 18, 2006**
www.judges.org

American Judges Association
2006 Annual Conference
New Orleans, LA ♦ **October 6-15, 2006**
Mid-year Conference
Newport, RI ♦ **April 18-21, 2007**
<http://aja.ncsc.dni.us/>

National Center for State Courts
CTC-10
Tampa Convention Center
Tampa, FL ♦ **October 2-4, 2007**
www.ctc10.org

National Association for Court Management
2007 Midyear Conference
New York, NY ♦ **February 11-13, 2007**
Annual Conference
Chicago, IL ♦ **July 8-12, 2007**
www.nacmnet.org

American Bar Association
2007 ABA Midyear Meeting
Miami, FL ♦ **February 7-13, 2007**
2007 ABA Annual Meeting
San Francisco, CA ♦ **August 9-15, 2007**
<http://www.abanet.org/jd/events.html>