

# Behavioral Health



## DATA ELEMENTS GUIDE

# for the State Courts

October 2022



NATIONAL JUDICIAL TASK FORCE  
EXAMINING STATE COURTS' RESPONSE TO MENTAL ILLNESS



I am often asked how often court cases involve individuals with mental illness. I can't answer this question. The case type is not a clear indicator and characteristics about the litigants or defendants are rarely captured. What we do know is that individuals with mental illness come into the justice system from many avenues. However, if we are committed to identifying individuals early and reliably so we can best address their needs, courts must identify data elements critical to understanding who is in the justice system and work with justice partners to establish robust data-sharing protocols.

Serving this population takes a community and systemwide commitment to using data to drive critical policy decisions and better understand what works.

Without such data, we are all flying blind.

- Nicole Waters, PhD  
Director of Research, National Center for State Courts

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## Introduction

### BEHAVIORAL HEALTH IN THE STATE COURTS

Millions of people in the United States are living with Serious Mental Illness (SMI), Substance Use Disorders (SUD), and Co-occurring Disorders (COD), which are collectively referred to in this report as behavioral health needs. In 2020, for example, the percentage of adults in the U.S. with SMI grew to 5.6%, or 14.2 million people (up from 3.7%, or 8.3 million people, in 2008).<sup>1</sup> About 5 million of these people, or 35.5%, did not receive the treatment they needed. Compounding the crisis is the fact that there are racial disparities in access to treatment, with Black Americans, Hispanic Americans and Latines, Asian Americans, Native Americans, and Native Hawaiians and Pacific Islanders receiving disproportionately fewer behavioral health services than White Americans.<sup>2</sup>

Without access to behavioral health services, the response to a mental health crisis is often law enforcement, leading to involvement in the criminal justice system. People living with behavioral health needs are overrepresented in the courts and in the incarcerated population. For example, the rate of serious mental illness is four-to-six times higher in jail (14.5% of men and 31% of women in jails) than in the general population.<sup>3</sup> Substance use disorders are even more prevalent in jails and prisons; 68% of people in custody in jails, 53% of people in custody in state prisons, and 46% of people in custody in federal prisons report symptoms consistent with SUD in the year prior to their incarceration.<sup>4</sup> This disparities interact with and compound existing racial and ethnic disparities in criminal justice outcomes.<sup>5</sup>

<sup>1</sup> Substance Abuse and Mental Health Services Administration (SAMHSA), Key Substance Use and Mental Health Indicators in the United States: Results from the 2020 National Survey on Drug Use and Health, <https://www.samhsa.gov/data/sites/default/files/reports/rpt35325/NSDUHFFR1PDFWHTMLFiles2020/2020NSDUHFFR1PDFW102121.pdf>.

<sup>2</sup> Compiled using data from Substance Abuse and Mental Health Services Administration (SAMHSA), Public Online Data Analysis System (PDAS), <https://pdas.samhsa.gov/#/survey/NSDUH-2020-DS0001> (accessed March 7, 2022).

<sup>3</sup> Vera Institute of Justice, Incarceration's Front Door: The Misuse of Jails in America (February 2015), [https://www.vera.org/downloads/publications/incarcerations-front-door-report\\_02.pdf](https://www.vera.org/downloads/publications/incarcerations-front-door-report_02.pdf).

<sup>4</sup> Osher, F., D'Amora, D., Plotkin, M., Jarrett, N., & Eggleston, A. (2012). Adults with Behavioral Health Needs under Correctional Supervision. Council of State Governments Justice Center, [https://csgjusticecenter.org/wp-content/uploads/2020/02/9-24-12\\_Behavioral-Health-Framework-final.pdf](https://csgjusticecenter.org/wp-content/uploads/2020/02/9-24-12_Behavioral-Health-Framework-final.pdf).

<sup>5</sup> National Conference of State Legislatures, Racial and Ethnic Disparities in the Criminal Justice System, <https://www.ncsl.org/research/civil-and-criminal-justice/racial-and-ethnic-disparities-in-the-criminal-justice-system.aspx>

Involvement with the legal system can have broad-reaching and lasting implications in the lives of individuals with behavioral health needs and in their families and communities. This involvement can negatively affect mental health outcomes, housing stability, employment, and community integration. A concerted response on the part of the state courts is badly needed.



...court leaders can and must address the impact of the broken mental health system on the nation's courts—especially in partnership with behavioral health systems.<sup>6</sup>

On March 30, 2020, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) established a resolution calling for a National Judicial Task Force to Examine State Courts' Response to Mental Illness. In this resolution, CCJ and COSCA acknowledge that trial courts have increasingly become the default system for addressing the needs of those with behavioral health conditions. COSCA has adopted the stance that "court leaders can and must address the impact of the broken mental health system on the nation's courts—especially in partnership with behavioral health systems."<sup>6</sup>

<sup>6</sup> Conference of State Court Administrators, Decriminalization of Mental Illness: Fixing a Broken System (2016-2017 Policy Paper), [https://cosca.ncsc.org/data/assets/pdf\\_file/0018/23643/2016-2017-decriminalization-of-mental-illness-fixing-a-broken-system.pdf](https://cosca.ncsc.org/data/assets/pdf_file/0018/23643/2016-2017-decriminalization-of-mental-illness-fixing-a-broken-system.pdf).

## USING DATA TO IMPROVE BEHAVIORAL HEALTH SERVICES

Data are a critical tool in the state courts' fight to address behavioral health needs in the legal system.<sup>7</sup> At the level of individual cases, high-quality data are crucial for ensuring that people's cases move through the system as efficiently and justly as possible and that their behavioral health needs are being fully addressed. For example, good data and clear communication across agencies can help ensure that courts are able to identify people with behavioral health needs upon intake into jail or that mental health and reentry services are available to people immediately upon release.

At the system level, data can also be used to support evidence-based decision-making in a variety of ways. First, courts can use data to describe the state of court programs and outcomes and the experiences of people with behavioral health needs as they move through the system. For example, knowing that the average length of stay for someone with behavioral health needs is longer than a typical sentence would be, can alert the courts to a problem with case processing in the competency and restoration system that needs to be addressed.

Second, courts can use data to establish baselines in performance and monitor for changes over time. For example, knowing the average time to disposition before the onset of the pandemic allows the court to monitor whether average time to disposition has grown during the pandemic.

Third, courts can use data to examine the effectiveness of new policies or programs. For example, the courts can compare recidivism rates before and after a new reentry initiative was launched or compare recidivism rates for individuals who opt into or out of a new program. Finally, courts can use data to examine whether there are disparities in case processing or case outcomes across groups. For example, knowing that successful restoration rates are lower for defendants with Limited English Proficiency might alert the courts to a lack of culturally appropriate treatment services in the community.

<sup>7</sup> Knopf, Taylor (Dec. 21, 2020), NC didn't track the data on mental health commitments, so some advocates did it instead, NC Health News, <https://www.northcarolinahealthnews.org/2020/12/21/nc-didnt-track-the-data-on-mental-health-commitments-so-some-advocates-did-it-instead/>; National Conference of State Legislatures, Racial and Ethnic Disparities in the Criminal Justice System, <https://www.ncsl.org/research/civil-and-criminal-justice/racial-and-ethnic-disparities-in-the-criminal-justice-system.aspx>

## Overview of the Guide

This guide provides a framework for data collection and data analysis by state courts looking to better meet the needs of court users who are living with behavioral health conditions.

**Section 1** describes key data elements and analyses for examining behavioral health in criminal cases, including competency and restoration processes and diversion programming.

**Section 2** describes key data elements and analyses for examining cases involving petitions for court-ordered evaluation and treatment.

**Section 3** describes data elements and analyses for examining behavioral health in juvenile justice cases.

For brief overviews of the key questions that can be answered using the data elements in each section, see the companion pieces to this guide:

- Behavioral Health Data Elements Guide for the State Courts: 6 Key Questions about Behavioral Health in Criminal Cases
- Behavioral Health Data Elements Guide for the State Courts: 5 Key Questions about Court-Ordered Evaluation and Treatment
- Behavioral Health Data Elements Guide for the State Courts: 6 Key Questions about Behavioral Health in Juvenile Justice

Note that data collection and analysis are just two components of data governance, which involves the policies and practices that address the entire life cycle of data. For broader guidance on data governance in the state courts, see the [Data Governance Policy Guide](#).<sup>8</sup> The data collection and analysis that are recommended in this report should be considered within the broader context of recommended practices for court data governance.

<sup>8</sup> National Center for State Courts, (December 2019).

This guide draws on previous work and insights from several resources including the [New Model for Collaborative Court and Community Caseflow Management](#),<sup>9</sup> the [Campaign for Criminal Justice Data Modernization](#),<sup>10</sup> [Data Collection Across the Sequential Intercept Model](#),<sup>11</sup> and the Stepping Up Initiative's [In Focus: Collecting and Analyzing Baseline Data](#).<sup>12</sup> The following guiding principles from the above resources have been adopted:

1. The courts should work to strengthen community responses to mental illness, minimize criminal justice system involvement for people with behavioral health needs, promote early intervention and effective case management for people with behavioral health needs, institutionalize alternative pathways to treatment and recovery, and manage post-adjudication events and transitions more effectively.
2. To achieve these goals, courts must not only examine their own data collection practices but also establish collaborative data-sharing practices with other agencies and stakeholders in the legal and behavioral health systems.
3. The examination of equity and disparities in behavioral health outcomes, particularly racial and ethnic disparities, should be regarded as a central component—not an afterthought—of behavioral health reform in the courts.

<sup>9</sup> National Judicial Task Force to Examine State Courts' Response to Mental Illness, (June 2022).

<sup>10</sup> Arnold Ventures, Campaign for Criminal Justice Data Modernization (April 2021).

<sup>11</sup> Substance Abuse and Mental Health Services Administration, Data Collection Across the Sequential Intercept Model: Essential Measures (June 2019).

<sup>12</sup> Stepping Up Initiative, (2020).



## USING THIS GUIDE

Collecting and using the data elements laid out in this guide alongside other agencies and stakeholders in the legal and behavioral health systems will enable court leaders to better meet the needs of people who are living with mental and behavioral health conditions. These reforms will also reduce the strain that unmet behavioral health needs place on the court system.

This guide is designed to be used by a team of behavioral health experts, including judges and court personnel who work on behavioral health dockets, court personnel who specialize in data management and technology, and justice partners from other agencies in the legal and behavioral health systems (e.g., prosecutors, public defenders, law enforcement, probation officers, case workers, health providers, guardians). Courts that are in the process of building a new case management system, data warehouse, or diversion program can use this guide as a template for crafting their data infrastructure and practices. Other courts may find they can simply make improvements or adjustments to their existing data systems. While there are many different ways courts can use this guide to improve their data governance, the central purpose of this guide is to recommend that courts take a close look at the data they collect and take intentional steps toward using data to improve their programming and services for people with behavioral health needs.

Although this guide is divided into sections by case type (i.e., criminal, civil, and juvenile), the principles of person-centered case management encourage us to recognize that some court users will interact with the court across case types. What appear to be separate criminal and civil cases in the case management system are often experienced by the court user as one set of related life events. Accordingly, courts are encouraged to adopt the data elements listed in this guide across case types, when possible. In order to facilitate this practice, the Appendix provides a list of all data elements listed in the guide across case types. Data elements that are consistent with the [National Open Court Data Standards](#) (NODS)<sup>13</sup> are labeled in the Appendix.

Finally, it is important to note that this guide is aspirational—many courts may find that their current data collection practices fall short of the full list of data elements described here, and some may find that they lack the resources to fully bridge that gap in the short term. In these cases, courts are encouraged to take an incremental approach to expanding their access to data over time and do what they can to glean insights from the information they already have. Working closely with justice partners and allied organizations can also lead to creative solutions for gathering and using data in ways other than through the court's own case management system.

<sup>13</sup> National Center for State Courts, National Open Court Data Standards (NODS).

## COLLABORATIVE COURT AND COMMUNITY CASEFLOW MANAGEMENT

As courts begin the process of examining their data collection practices, it is important to consider that courts are just one player in a broader system that leads people with behavioral health needs to disproportionately face court proceedings. The Sequential Intercept Model, for example, is a framework for describing how people with psychological and substance use disorders come into contact with, and move through, the criminal justice system.<sup>14</sup> The points of contact along the model are community services, law enforcement, initial court hearings and initial detention, jails and courts, reentry, and community corrections. Although the courts are only explicitly named at two of these points of contact, it is crucial that courts recognize they play an important role in the community as a convener of stakeholders, providers, and policymakers. Accordingly, the [New Model for Collaborative Court and Community Caseflow Management](#)<sup>15</sup> makes clear that in order to improve the courts' responses to behavioral health, courts must not only examine their own data collection practices but also establish collaborative data-sharing practices with other agencies and stakeholders in the system.

There are many ways to establish data-sharing relationships with agency partners for the purposes of better case management and program evaluation. Different levels of collaboration and integration may be appropriate for different courts. This section offers a few examples of what these forms of collaboration might look like, but each court should choose an approach that works best under local conditions.

One way to share data across justice partners is through fully integrated case management systems that are designed specifically for use by behavioral health courts.<sup>16</sup> In these systems, justice partners (including law enforcement, jail staff, prosecutors, defense attorneys, court staff, clerks, and behavioral health providers) input case information into a single system. For example, the Court in Pima County, Arizona, has built its own data system (DIMS) for cases

<sup>14</sup> See Substance Abuse and Mental Health Services Administration, The Sequential Intercept Model (SIM), <https://www.samhsa.gov/criminal-juvenile-justice/sim-overview>.

<sup>15</sup> National Judicial Task Force to Examine State Courts' Response to Mental Illness, A New Model for Collaborative Court and Community Caseflow Management (June 2022).

<sup>16</sup> For guidance on building an integrated case management system, see Council of State Governments Justice Center, Checklist for Building and Maintaining a Data Warehouse (July 2021), [https://csgjusticecenter.org/wp-content/uploads/2021/05/CSGJC\\_Integrating-Criminal-Justice-and-Health-Data-Checklist\\_508.pdf](https://csgjusticecenter.org/wp-content/uploads/2021/05/CSGJC_Integrating-Criminal-Justice-and-Health-Data-Checklist_508.pdf), and Council of State Governments Justice Center, Selecting a Data Warehouse Vendor for Criminal Justice-Behavioral Health Partnerships (July 2021), [https://csgjusticecenter.org/wp-content/uploads/2021/05/Selecting-A-Data-Warehouse-Vendor\\_508.pdf](https://csgjusticecenter.org/wp-content/uploads/2021/05/Selecting-A-Data-Warehouse-Vendor_508.pdf).

involving behavioral health which exists separately from the court's broader case management system.<sup>17</sup> DIMS was built by a third-party developer specifically for Pima County and contains tailored data fields that fit the needs of the mental health court. The system allows health providers to enter treatment information directly into the same system where court personnel enter case information. Individuals provide consent for the data to be shared automatically across the courts, providers, county attorney, jail, and other relevant entities. Depending on the role of the person who is accessing the system, the person's abilities might be limited (e.g., read only, add information, edit information, delete information). Thus, the DIMS system allows for immediate and automatic sharing of information, while also protecting data quality, privacy, and patient consent.

Integrated databases can also be more limited in scope. For example, in Yavapai County, Arizona, the jail maintains a database of all information related to behavioral health during the period of detention or incarceration. With the consent of each individual, information in the database can be accessed directly by behavioral health providers. Although court staff do not enter data directly into this database, release coordinators from the jail can enter notes in the system about what happens in court, so providers have access to relevant information about each individual's legal case.

Additionally, law enforcement agencies have access to a limited version of the case information, so if they encounter an individual who has been entered into the system in the past, they know the individual may have behavioral health needs and can respond appropriately.

Finally, information sharing can take place through coordinated staff positions, rather than through shared databases. In some jurisdictions, one staff member who works in the mental health court or jail acts as the informal hub for sharing information between the courts and other partners about cases involving people with behavioral health needs. This can include maintaining regular contact among jail personnel, prosecutors, defense attorneys, behavioral health providers, and the court. In other jurisdictions, this role is formalized in a dedicated coordinator staff position. Finally, some jurisdictions hold regular case review meetings that include judges, attorneys, probation officers, and behavioral health providers. All of these approaches make it possible for courts and justice partners to exchange critical information about court users quickly.

<sup>17</sup> National Center for State Courts, Mental and Behavioral Health Initiatives in the Arizona Courts (Nov 2021).

These examples illustrate how collaborative case processing can take different forms, depending on the needs and resources of the court. What these systems have in common is that they allow for immediate and automatic information sharing across the courts and other partner agencies, enabling a person-centered team approach to case management. When law enforcement officers have the ability to immediately identify a person they encounter has behavioral health needs, they can offer the individual treatment and resources, rather than booking the individual in jail. When jail staff can identify an individual with behavioral health needs immediately upon intake, they can alert the courts that the individual may be eligible for specialty court proceedings or diversion. When behavioral health providers are given notice that one of their patients is being released from jail or prison, they can ensure that the patient has access to uninterrupted treatment, medication, housing, and other basic needs. In other words, cross-agency information sharing at every point along the SIM is critical for deflecting and diverting people with behavioral health needs away from the criminal justice system and toward treatment, as well as for restoring people's lives and reducing recidivism.

## PRIVACY RULES GOVERNING INFORMATION SHARING

Information sharing between courts, behavioral health providers, and other agencies is governed by federal, state, and local laws. The Health Insurance Portability and Accountability Act (HIPAA) outlines what personal health information can be shared and under what circumstances. Title 42 of the Code of Federal Regulations (42 CFR) Part 2 relates to personal substance use disorder information. The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records. In some jurisdictions, state and local laws also come into play.

One common misconception is that HIPAA and other laws prevent courts, providers, and other entities from sharing behavioral health data altogether. However, with careful planning and coordination, it is possible [to build a data-sharing infrastructure and tools that meet program needs and comply with the law](#). Many privacy and legal concerns can be addressed by developing a Memorandum of Understanding (MOU), Business Associate Agreement (BAA), or other data sharing agreement that outlines what data will be shared, for what purposes, through what mechanisms, and with whom. Participants in problem-solving courts can also sign consent forms that allow courts and justice partners to share their information for specific purposes. See the [Supreme Court of Illinois Problem-Solving Courts Standards](#) for an example (Appendices A-C: Participant Consent Forms, Appendix F: MOUs, Appendix N: Data Release Form).

Accordingly, while courts should be sure to take patient privacy seriously, consulting with local counsel as needed, concerns about HIPAA and similar laws should not deter courts from pursuing collaborative caseflow management practices to better serve people with behavioral health needs.

## Section 1

### Data Elements for Criminal Cases

This section provides a series of fundamental data elements that courts can use to assess and improve the way their criminal justice systems respond to people with behavioral health needs. These data elements are organized functionally, based on the key questions that each piece of data helps to answer. All data are useful as the courts work to ensure that people with behavioral health needs are moving through the court system as efficiently as possible, are being evaluated and treated in the least restrictive settings possible, are having their behavioral health and other needs met, and are being prepared for successful program completion and reentry.

The data elements listed in this section are all collected at the individual case level. Some of these data elements will be routinely collected by the court in the case management system. Others may require the court to develop data-sharing relationships with partner agencies. The tables include information about potential sources for each type of data, although the specific sources are likely to vary from jurisdiction to jurisdiction. In these tables, we define “court” broadly to include pretrial services and probation, although we acknowledge that in some jurisdictions, these departments reside outside the courts.

#### **A. What are the key characteristics of defendants in the criminal justice system?**

Using data, the court can determine the important demographic characteristics of defendants in the criminal justice system, particularly defendants who have behavioral health needs. Key characteristics include important social identities such as race, ethnicity, and gender. They can also include information about any barriers to accessing services such as certain indicators of socioeconomic status, insurance status, disability, housing status, and English language proficiency. This information is critical for ensuring full access to diversion programming, delivering culturally responsive behavioral health services, and examining court processes and outcomes for disparities and disproportionality.

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## DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
RaceEthnicity	Law enforcement, jail, court, or service provider	[Select all that apply.] Black or African American, American Indian or Alaska Native, Asian, White, Native Hawaiian or other Pacific Islander, Middle Eastern or North African, Hispanic or Latinx/Latine, Another race
TribalAffiliation	Law enforcement, jail, court, or service provider	Tribal or Indigenous Nation Affiliation
Gender	Law enforcement, jail, court, or service provider	Woman, Man, Non-binary or another gender
Transgender	Law enforcement, jail, court, or service provider	Cisgender, Transgender
Education	Law enforcement, jail, court, or service provider	Less than high school, High school diploma or GED, Some college but no college degree, Vocational training or license, Associate's degree, Bachelor's degree, Graduate degree
Veteran	Law enforcement, jail, court, or service provider	Has served in the U.S. Armed Forces, Reserves, or National Guard; Has not served in the U.S. Armed Forces, Reserves, or National Guard
Housing	Law enforcement, jail, court, or service provider	Private residence, Congregate care, Homeless according to HUD definition (homeless, imminent risk of homelessness, homeless under other federal statutes, or fleeing/attempting to flee domestic violence)
Benefits	Law enforcement, jail, court, or service provider	[Select all that apply.] Medicaid, Medicare, SNAP, TANF, SSI, Other
Indigent	Law enforcement, jail, court, or service provider	Has been Identified as indigent or qualifies for a fee waiver, Has not been identified as indigent and does not qualify for a fee waiver
Insurance	Law enforcement, jail, court, or service provider	Public, private
Disability	Law enforcement, jail, court, or service provider	Requested a disability accommodation, Did not request a disability accommodation
LEP	Law enforcement, jail, court, or service provider	Has been identified as having Limited English Proficiency or needing translation services, Has not been identified as having Limited English Proficiency or needing translation services
Language	Law enforcement, jail, court, or service provider	Primary spoken language

## B. How many defendants are being successfully deflected or diverted to services in the community?

Using data about the behavioral health needs of criminal defendants, courts can determine how many defendants have been screened for behavioral health and how many have been identified as having a behavioral health need. The court can also determine if the rate at which defendants are being deflected to community services or diverted to alternatives to prosecution is sufficient. Deflection and diversion opportunities might include crisis intervention techniques that divert people to services rather than jail, competency and restoration policies that limit the number and types of crimes for which people are evaluated for competency to stand trial, and diversion programs. This information is crucial for assessing any unmet opportunities for deflection and diversion, as well as for examining program capacity and budgetary needs. When these data elements are used alongside those identified above in Section A, the court can also examine whether there are disparities or disproportionality in deflection and diversion decisions, based on demographic categories, such as race, socioeconomic status, disability, limited English proficiency, and more.

### DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
<b>Deflected</b>	Law enforcement	Defendant was deflected to services instead of jail Yes, No
<b>BHScreen</b>	Law enforcement or jail	Defendant has been screened for behavioral health needs Yes, No
<b>BHNeed</b>	Law enforcement or jail	On most recent screen, defendant was identified as having a behavioral health need Yes, No
<b>DiversionEligible</b>	Court	Defendant was eligible for a diversion program or problem-solving court <i>[If there are multiple programs available, specify for each.]</i> Yes, No
<b>DiversionOffer</b>	Court	Defendant was offered the option to enter a diversion program or problem-solving court <i>[If there are multiple diversion programs available, specify for each.]</i> Yes, No

## C. How long does it take defendants to move through the competency to stand trial and restoration process? Is the competency and restoration process equitable?

Using core data about case processing, the court can determine how long it takes defendants to move from competency referral to evaluation, from evaluation to competency determination, from competency determination to restoration, and from restoration to adjudication. This information is critical for evaluating restoration timelines and ensuring that defendants have timely access to behavioral health services. When these data elements are used alongside those identified in Section A, the court can also examine whether there are disparities or disproportionality in case competency and restoration processing based on demographic categories such as race, socioeconomic status, disability, limited English proficiency, and more.

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
FilingDate	Court	Initial charge or court filing date
CompetencyRaised	Court	The question of the defendant's competency has been raised Yes, No
ReferralDate	Court	Date referred for competency evaluation
EvalDate	Court or service provider	Date(s) evaluation(s) conducted
EvalSetting	Court	Jail/detention center, Inpatient hospital, Outpatient provider, Other
EvalFileDate	Court or service provider	Date(s) evaluation(s) filed
CompetencyHearingDate	Court	Date(s) of competency hearing(s)
CompetencyHearingOutcome	Court	<i>[Collect this information for first hearing and each subsequent review.]</i> Competent to stand trial, Not competent to stand trial – referred for continued restoration, Not restorable



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DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
RestorationOrderDate	Court	Date of restoration order or referral
RestorationOrderType	Court	Inpatient hospital, Outpatient provider, Community restoration, Other
RestorationStart	Court or service provider	Date restoration began
RestorationReportDate	Court	Date restoration report filed
NotRestorable	Court	Outcome of Not Restorable Determination Release, Civil court ordered treatment filing, Other

## D. How long are people with behavioral health needs detained? Is length of stay equitable?

Using these data elements, the court can determine how long it takes defendants with behavioral health needs to make bail and the length of their detention before trial. This information is critical for ensuring that defendants' length of stay doesn't exceed the potential sentence for their criminal charges. When these data elements are used alongside those identified in Section A, the court can also examine whether there are disparities or disproportionality in length of stay based on demographic categories such as race, socioeconomic status, disability, limited English proficiency, and more.

### DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
ArrestDate	Law enforcement or jail	Date of arrest
BailDate	Court	Date of bail/bond hearing
BailResult	Court	Denied bail, Granted bail, Released on own recognizance
BailAmount	Court	Amount of bail
ReleaseConditions	Court	Conditions of pretrial release
ReleaseDate	Jail	Date defendant made bail or was released from custody

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
RevocationDate	Court	Date pretrial release was revoked
RevocationReason	Court	Reason for revocation of pretrial release

**E. How long does it take defendants with behavioral health needs to complete diversion or problem-solving court programming? Is diversion program processing equitable?**

Using these data elements, the court can determine how long it takes defendants to exit from court programs. This information is critical for establishing sensible, evidence-based timelines for diversion programming and for examining program capacity and budgetary needs. When these data elements are used alongside those identified in Section A, the court can also examine whether there are disparities or disproportionality in access to diversion programming and in case processing based on demographic categories such as race, socioeconomic status, disability, limited English proficiency, and more.

### DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
EntryDate	Court	Date of entry into diversion program or problem-solving court
ExitDate	Court	Date of exit from diversion program or problem-solving court

**F. What are the attendance and success rates for diversion or problem-solving court programs? Are diversion program outcomes equitable?**

Using these data elements, the court can evaluate whether programs are meeting their goals, both in terms of attendance and graduation rates and in terms of improved outcomes and reduced recidivism. When these data elements are used alongside those identified above in Section A, the court can also examine whether there are disparities or disproportionality in program outcomes, based on demographic categories, such as race, socioeconomic status, disability, limited English proficiency, and more.

# BEHAVIORAL HEALTH DATA ELEMENTS GUIDE FOR THE STATE COURTS

## DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
Program	Court	Diversion program or type of problem-solving court
SuccessConditions	Court	Conditions for successful completion of diversion program or problem-solving court
StatusDate	Court	Date(s) of judicial status hearing(s) or case review meeting(s) <i>[Collect this information for each hearing/proceeding.]</i>
StatusAttendance	Court	Attendance at judicial status hearing(s) or case review meeting(s) <i>[Collect this information for each hearing/proceeding.]</i> Attended, Did not attend
StatusOutcome	Court	Outcome(s) of judicial status hearing(s) or case review meeting(s) <i>[Collect this information for each hearing/proceeding.]</i>
TreatmentDate	Court	Date(s) of scheduled treatment session(s) <i>[Collect this information for each session.]</i>
TreatmentAttendance	Court	Attendance at scheduled treatment session(s) <i>[Collect this information for each session.]</i> Attended, Did not attend
EmploymentStart	Court or service provider	Employment status at start of program Employed, Underemployed, Unemployed and seeking work, Unemployed and not seeking work
EmploymentEnd	Court or service provider	Employment status at end of program Employed, Underemployed, Unemployed and seeking work, Unemployed and not seeking work
ExitReason	Court	Reason for exit from program Successful completion, Administrative closure, Voluntary withdrawal while in compliance, Transfer to another program, Neutral discharge, Failure/termination, Death
RearrestDate	Law enforcement, jail, court, or service provider	Date(s) of re-arrest(s) after exit from program
RearrestReason	Law enforcement, jail, court, or service provider	Reason(s) of re-arrest(s) after exit from program

## Section 2

## Behavioral Health Data Elements for Court-Ordered Evaluation and Treatment

This section provides a series of fundamental data elements that courts can use to assess and improve the way their systems respond to people with behavioral health needs in cases involving petitions for court-ordered evaluation and treatment. These data elements are organized functionally, based on the key questions that each piece of data helps to answer. All are useful as the courts work to ensure that litigants and families move through court-ordered evaluation and treatment processes as efficiently and justly as possible and that their behavioral health needs are being fully addressed.

The data elements listed in this section are all collected at the individual case level. Some of these data elements will be routinely collected by the court in the case management system. Others may require the court to develop data-sharing relationships with partner agencies. The tables include information about potential sources for each type of data, although the specific sources are likely to vary from jurisdiction to jurisdiction. In these tables, we define “court” broadly to include pretrial services and probation, although we acknowledge that in some jurisdictions, these departments reside outside the courts.

### **A. What are the key characteristics of individuals who are subject to petitions for court-ordered mental health evaluation or treatment?**

Using data, the court can determine the important demographic characteristics of litigants who are subject to petitions for court-ordered mental health evaluation or treatment. Key characteristics include important social identities such as race, ethnicity, and gender. They can also include information about any barriers to accessing services such as certain indicators of socioeconomic status, insurance status, disability, housing status, and English language proficiency. This information is critical for providing full access to courts, ensuring culturally responsive behavioral health services, and examining court processes and outcomes for disparities and disproportionality.

# BEHAVIORAL HEALTH DATA ELEMENTS GUIDE FOR THE STATE COURTS

## DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
RaceEthnicity	Law enforcement, jail, court, or service provider	<i>[Select all that apply.]</i> Black or African American, American Indian or Alaska Native, Asian, White, Native Hawaiian or other Pacific Islander, Middle Eastern or North African, Hispanic or Latinx/ Latine, Another race
TribalAffiliation	Law enforcement, jail, court, or service provider	Tribal or Indigenous Nation Affiliation
Gender	Law enforcement, jail, court, or service provider	Woman, Man, Non-binary or another gender
Transgender	Law enforcement, jail, court, or service provider	Cisgender, Transgender
Education	Law enforcement, jail, court, or service provider	Less than high school, High school diploma or GED, Some college but no college degree, Vocational training or license, Associate's degree, Bachelor's degree, Graduate degree
Veteran	Law enforcement, jail, court, or service provider	Has served in the U.S. Armed Forces, Reserves, or National Guard; Has not served in the U.S. Armed Forces, Reserves, or National Guard
Housing	Law enforcement, jail, court, or service provider	Private residence, Congregate care, Homeless according to HUD definition (homeless, imminent risk of homelessness, homeless under other federal statutes, or fleeing/attempting to flee domestic violence)
Benefits	Law enforcement, jail, court, or service provider	<i>[Select all that apply.]</i> Medicaid, Medicare, SNAP, TANF, SSI, Other
Indigent	Law enforcement, jail, court, or service provider	Has been identified as indigent or qualifies for a fee waiver, Has not been identified as indigent and does not qualify for a fee waiver
Insurance	Law enforcement, jail, court, or service provider	Public, private
Disability	Law enforcement, jail, court, or service provider	Requested a disability accommodation, Did not request a disability accommodation
LEP	Law enforcement, jail, court, or service provider	Has been identified as having Limited English Proficiency or needing translation services, Has not been identified as having Limited English Proficiency or needing translation services
Language	Law enforcement, jail, court, or service provider	Primary spoken language
Petitioner	Law enforcement, jail, court, or service provider	Relationship of petitioner Family member, Medical provider, Law enforcement, Other

## B. How many cases are filed seeking court-ordered mental health evaluation or treatment? Are filings and orders for court-ordered treatment equitable?

Using data, the courts can determine how many civil cases involve petitions for court-ordered evaluation and/or treatment and how many cases result in orders for court-ordered evaluation and/or treatment. The court can also determine the rate at which individuals receive outpatient treatment (sometimes referred to as Assisted Outpatient Treatment or AOT), inpatient treatment, and combined inpatient/outpatient orders. This information is crucial for assessing any unmet opportunities for addressing individuals' behavioral health needs in the least restrictive settings possible. When these data elements are used alongside those identified in Section A, the court can also examine whether there are disparities or disproportionality in filings or treatment orders based on demographic categories such as race, socioeconomic status, disability, limited English proficiency, and more.

### DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
BHEvalPetition	Court	Petition has been filed for court-ordered evaluation and/or treatment Yes, No
BHEvalOrder	Court	The court ordered a behavioral health evaluation Yes, No
BHTreatmentOrder	Court	The court ordered a behavioral health treatment Yes, No
BHTreatmentType	Court	Outpatient treatment, Inpatient treatment, Combined inpatient/outpatient treatment

**C. What previous system contacts have litigants (who are subject to petitions for court-ordered evaluation or treatment) had? What current system contacts do these same litigants have? Are services, system contacts, and lengths of stay equitable?**

Using data gathered in collaboration with law enforcement departments, jails, and health agencies and providers in the community, the courts can get a better understanding of litigants’ previous experiences with behavioral health screening and assessments, criminogenic risk and needs assessments, court involvement, arrest, incarceration, emergency department access, community mental health treatment, and hospitalization (including both the frequency of either inpatient or community court ordered treatment and the length of stay). This information is critical for understanding how litigants end up in the court system with unmet behavioral health needs and what services in the courts and community might reduce the extent of unmet needs. When these data elements are used alongside those identified in Section A, the court can also examine whether there are disparities or disproportionality in services, system contacts, and length of treatment stays, based on the demographic categories of those with behavioral health needs such as race, socioeconomic status, disability, limited English proficiency, and more.

## DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
PastBHSreen	Law enforcement, jail, court, or service provider	Respondent has been screened for behavioral health needs in the past Yes, No
PastRiskNeeds	Law enforcement, jail, court, or service provider	Respondent has been screened with a criminogenic risk and needs assessment in the past Yes, No
PastPetition	Law enforcement, jail, court, or service provider	Respondent has been the subject of a past petition for court-ordered evaluation or treatment Yes, No
PastArrest	Law enforcement, jail	Respondent has an arrest history Yes, No
PastIncarceration	Law enforcement, jail, court, or service provider	Respondent has been incarcerated Yes, No

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
PastEmergency	Law enforcement, jail, court, or service provider	Respondent has accessed an emergency department for a behavioral health issue Yes, No
PastTreatment	Service provider	Number of prior community behavioral health treatment visits
PastInpatient	Service provider	Number of prior behavioral health inpatient treatment stays
LengthInpatientStay	Service provider	Length of stay (days) in inpatient treatment facility [If there are multiple stays, specify for each.]

## D. How long does it take to resolve petitions for court-ordered evaluation and treatment? Is case processing equitable?

Using these data elements, the court can determine how long it takes litigants to move through the court-ordered treatment process. Specifically, the court can examine the time individuals spend confined before petitions are filed, the time from petition to referral, the time from referral to evaluation, the time from evaluation to hearing, and the time from hearing to placement. The court can also examine the frequency and pacing of subsequent review hearings. This information is critical for ensuring litigants aren't confined longer than necessary and that those who need treatment receive that care quickly. When these data elements are used alongside those identified in Section A, the court can also examine whether there are disparities or disproportionality in case processing based on demographic categories such as race, socioeconomic status, disability, limited English proficiency, and more.

### DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
ConfinementDate	Court or service provider	Date when most recent confinement began
FilingDate	Court	Date of petition for court-ordered treatment and/or evaluation



DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
ReferralDate	Court	Date referred for evaluation
EvalDate	Court or service provider	Date(s) evaluation(s) conducted
EvalSetting	Court or service provider	Jail/detention center, Inpatient hospital, Outpatient provider, Other
EvalFileDate	Court	Date(s) evaluation(s) filed
TreatmentHearingDate	Court	Date(s) of hearing(s) to rule on treatment
TreatmentHearingOutcome	Court	<i>[Collect this information for first hearing and each subsequent review.]</i> Court-ordered treatment is ordered, Court-ordered treatment is maintained, Court-ordered treatment is amended, Court-ordered treatment is discontinued
PlacementDate	Court	Date of placement in court-ordered treatment

## E. What are the success rates for court-ordered treatment?

Using these data elements, the court can evaluate whether individuals who are subject to court-ordered treatment are experiencing positive outcomes. Positive outcomes might include meeting individualized clinical goals, or they may involve having reduced future contact with law enforcement, the courts, or crisis services. When these data elements are used alongside those identified in Section A, the court can also examine whether there are disparities or disproportionality in treatment outcomes based on demographic categories such as race, socioeconomic status, disability, limited English proficiency, and more.

## DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
<b>SuccessConditions</b>	Court	Conditions for successful completion of court-ordered treatment
<b>StatusDate</b>	Court	Date(s) of judicial status hearing(s) or case review meeting(s) <i>[Collect this information for each hearing/proceeding.]</i>
<b>StatusAttendance</b>	Court	Attendance at judicial status hearing(s) or case review meeting(s) <i>[Collect this information for each hearing/proceeding.]</i> Attended, Did not attend
<b>StatusOutcome</b>	Court	Outcome(s) of judicial status hearing(s) or case review meeting(s) <i>[Collect this information for each hearing/proceeding.]</i>
<b>TreatmentDate</b>	Court	Date(s) of scheduled treatment session(s) <i>[Collect this information for each session.]</i>
<b>TreatmentAttendance</b>	Court	Attendance at scheduled treatment session(s) <i>[Collect this information for each session]</i> Attended, Did not attend
<b>SuccessDate</b>	Service provider	Date respondent met individualized clinical goals
<b>RearrestDate</b>	Law enforcement, jail, court, or service provider	Date(s) of re-arrest(s) after completion of court-ordered treatment
<b>RearrestReason</b>	Law enforcement, jail, court, or service provider	Reason(s) for re-arrest(s) after completion of court-ordered treatment
<b>RehospitalizationDate</b>	Law enforcement, jail, court, or service provider	Date(s) of re-hospitalization after completion of court-ordered treatment

## Section 3

# Behavioral Health Data Elements for the Juvenile Justice System

This section provides a series of fundamental data elements that courts can use to assess and improve the way their juvenile justice systems respond to young people with behavioral health needs. These data elements are organized functionally, based on the key questions that each piece of data helps to answer. All are useful as the courts work to ensure that young people's cases move through the juvenile justice system as efficiently and justly as possible and that their behavioral health needs are being fully addressed.

The data elements listed in this section are all collected at the individual case level. Some of the data elements will be routinely collected by the court in the case management system. Others may require the court to develop data-sharing relationships with partner agencies. The tables include information about potential sources for each type of data, although the specific sources are likely to vary from jurisdiction to jurisdiction. In these tables, we define "court" broadly to include pretrial services and probation, although we acknowledge that in some jurisdictions, these departments reside outside the courts.

### **A. What are the key characteristics of young people in the juvenile justice system?**

Using data, the court can determine the important demographic characteristics of young people who are currently involved in the juvenile justice system. Key characteristics include important social identities such as race, ethnicity, and gender. They can also include information about any barriers to accessing services such as certain indicators of socioeconomic status, disability, housing status, and English language proficiency. This information is critical for ensuring full access to diversion programming, delivering culturally responsive behavioral health services, and examining court processes and outcomes for disparities and disproportionality.

## DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
<b>RaceEthnicity</b>	Law enforcement, detention center, court, school, or service provider	<i>[Select all that apply.]</i> Black or African American, American Indian or Alaska Native, Asian, White, Native Hawaiian or other Pacific Islander, Middle Eastern or North African, Hispanic or Latinx/Latine, Another race
<b>TribalAffiliation</b>	Law enforcement, detention center, court, school, or service provider	<b>Tribal or Indigenous Nation Affiliation</b>
<b>Gender</b>	Law enforcement, detention center, court, school, or service provider	Woman, Man, Non-binary or another gender
<b>Transgender</b>	Law enforcement, detention center, court, school, or service provider	Cisgender, Transgender
<b>Housing</b>	Law enforcement, detention center, court, school, or service provider	Private residence, Congregate care, Homeless according to HUD definition ( <b>homeless, imminent risk of homelessness, homeless under other federal statutes, or fleeing/attempting to flee domestic violence</b> )
<b>Benefits</b>	Law enforcement, detention center, court, school, or service provider	<i>[Select all that apply.]</i> Medicaid, Medicare, SNAP, TANF, SSI, Other
<b>Indigent</b>	Law enforcement, detention center, court, school, or service provider	Has been Identified as indigent or qualifies for a fee waiver, Has not been identified as indigent and does not qualify for a fee waiver
<b>Insurance</b>	Law enforcement, detention center, court, school, or service provider	Public, private
<b>Disability</b>	Law enforcement, detention center, court, school, or service provider	Requested a disability accommodation, Did not request a disability accommodation
<b>LEP</b>	Law enforcement, detention center, court, school, or service provider	Has been identified as having Limited English Proficiency or needing translation services, Has not been identified as having Limited English Proficiency or needing translation services
<b>Language</b>	Law enforcement, detention center, court, school, or service provider	<b>Primary spoken language</b>

## B. How many young people who are referred to the juvenile court are eligible for diversion or for services in the community? Are deflection and diversion decisions equitable?

Using data about the behavioral health needs of young people in the juvenile justice system, courts can determine how many young people have been screened for behavioral health and how many have been identified as having a behavioral health need. The court can also determine if the rate at which young people are being deflected to community services or diverted to alternatives to prosecution is sufficient. Deflection and diversion opportunities might include crisis intervention techniques that divert young people to services rather than detention or formal case processing, as well as competency policies that limit the number and types of violations for which competency to stand trial is assessed. This information is crucial for assessing any unmet opportunities for deflection and diversion, as well as for examining program capacity and budgetary needs. When these data elements are used alongside those identified in Section A, the court can also examine whether there are disparities or disproportionality in deflection and diversion decisions based on demographic categories such as race, socioeconomic status, disability, limited English proficiency, and more.

### DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
Deflected	Law enforcement	Young person was deflected to services instead of detention or formal case processing Yes, No
BHScreen	Law enforcement, detention facility, school, or service provider	Young person has been screened for behavioral health needs Yes, No
BHNeed	Law enforcement, detention facility, school, or service provider	On most recent screen, young person was identified as having a behavioral health need Yes, No
Override	Court	Result of screening or assessment instrument was overridden [If there are multiple programs available, specify for each.] Yes, No
OverrideReason	Court	Reason for override

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
DiversionEligible	Court	Young person was deemed eligible for a diversion program or problem-solving court <i>[If there are multiple programs available, specify for each.]</i> Yes, No
DiversionOffer	Court	Young person was offered the option to enter a diversion program or problem-solving court <i>[If there are multiple diversion programs available, specify for each.]</i> Yes, No

### C. How long does it take young people to move through the competency evaluation, determination, and remediation stages? Is case processing equitable?

Using core data about case processing, the court can determine how long it takes young people to move from competency referral to evaluation, from evaluation to competency determination, and from competency determination to remediation. This information is critical for evaluating remediation timelines and ensuring young people have timely access to behavioral health services. When these data elements are used alongside those identified in Section A, the court can also examine whether there are disparities or disproportionality in case processing based on demographic categories such as race, socioeconomic status, disability, limited English proficiency, and more.

#### DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
FilingDate	Court	Initial charge or court filing date
CompetencyRaised	Court	The question of the young person's competency has been raised Yes, No
ReferralDate	Court	Date referred for competency evaluation
EvalDate	Court or service provider	Date(s) evaluation(s) conducted
EvalSetting	Court	Jail/detention center, Inpatient hospital, Outpatient provider, Other

# BEHAVIORAL HEALTH DATA ELEMENTS GUIDE FOR THE STATE COURTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
EvalFileDate	Court or service provider	Date(s) evaluation(s) filed
CompetencyHearingDate	Court	Date(s) of competency hearing(s)
CompetencyHearingOutcome	Court	<i>[Collect this information for first hearing and each subsequent review]</i> Competent to stand trial, Not competent to stand trial – referred for continued remediation, Not restorable
NotCompetentReason	Court	<i>Reason(s) for determination of Not Competent [Tailor the response options to the jurisdiction's relevant statute or caselaw.]</i> Cognitive functioning, Adaptive functioning, Clinical Functioning, Comprehension of relevant forensic issues, Genuineness of effort
RestorationOrderDate	Court	Date of restoration order or referral
RestorationOrderType	Court	Inpatient hospital, Outpatient provider, Community restoration, Other
RestorationStart	Court or service provider	Date restoration began
RestorationReportDate	Court	Date restoration report filed
NotRestorable	Court	Outcome of Not Restorable Determination Release, Civil court ordered treatment filing, Other
CompetencyHearingOutcome	Court	<i>[Collect this information for first hearing and each subsequent review.]</i> Competent to stand trial, Not competent to stand trial – referred for continued restoration, Not restorable

**D. How long are young people with behavioral health needs detained? Is length and use of detention equitable?**

Using these data elements, the court can determine how long young people with behavioral health needs are detained before their juvenile justice cases are heard. This information is critical for ensuring that young people’s length of detention doesn’t exceed the potential penalties for their charges. When these data elements are used alongside those identified in Section A, the court can also examine whether there are disparities or disproportionality in length of detention or use of detention based on demographic categories such as race, socioeconomic status, disability, limited English proficiency, and more.

**DATA ELEMENTS**

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
ArrestDate	Law enforcement or detention facility	Date of arrest or detention
ReleaseConditions	Court	Conditions of pretrial release from detention
ReleaseDate	Detention facility	Date young person was released from detention
RevocationDate	Court	Date pretrial release was revoked
RevocationReason	Court	Reason for revocation of pretrial release

**E. How long does it take young people with behavioral health needs to complete diversion or alternative-to-prosecution programming? Is diversion programming equitable?**

Using these data elements, the court can determine how long it takes young people to complete court diversion programs. This information is critical for establishing sensible, evidence-based timelines for programming and for examining program capacity and budgetary needs. When these data elements are used alongside those identified in Section A, the court can also examine whether there are disparities or disproportionality in diversion programming based on demographic categories such as race, socioeconomic status, disability, limited English proficiency, and more.



DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
EntryDate	Court	Date of entry into diversion program or problem-solving court
ExitDate	Court	Date of exit from diversion program or problem-solving court

F. What are the success rates for juvenile diversion programs? Are diversion outcome programs equitable?

Using these data elements, the court can evaluate whether programs are meeting their goals, both in terms of attendance and graduation rates and in terms of improved outcomes and reduced subsequent justice system involvement. When these data elements are used alongside those identified in Section A, the court can also examine whether there are disparities or disproportionality in program outcomes based on demographic categories such as race, socioeconomic status, disability, limited English proficiency, and more.

DATA ELEMENTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
Program	Court	Diversion program or type of problem-solving court
SuccessConditions	Court	Conditions for successful completion of diversion program or problem-solving court
StatusDate	Court	Date(s) of judicial status hearing(s) or case review meeting(s) <i>[Collect this information for each hearing/proceeding.]</i>
StatusAttendance	Court	Attendance at judicial status hearing(s) or case review meeting(s) <i>[Collect this information for each hearing/proceeding.]</i> Attended, Did not attend
StatusOutcome	Court	Outcome(s) of judicial status hearing(s) or case review meeting(s) <i>[Collect this information for each hearing/proceeding.]</i>
TreatmentDate	Court	Date(s) of scheduled treatment session(s) <i>[Collect this information for each session.]</i>

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES
TreatmentAttendance	Court	Attendance at scheduled treatment session(s) <i>[Collect this information for each session.]</i> Attended, Did not attend
ExitReason	Court	Reason for exit from program Successful completion, Administrative closure, Voluntary withdrawal while in compliance, Transfer to another program, Neutral discharge, Failure/termination, Death
RearrestDate	Law enforcement, detention facility, court, or service provider	Date(s) of re-arrest(s) after exit from program
RearrestReason	Law enforcement, detention facility, court, or service provider	Reason(s) of re-arrest(s) after exit from program

For additional information, contact Andrea L. Miller, PhD, JD,  
National Center for State Courts at [amiller@ncsc.org](mailto:amiller@ncsc.org).

## Appendix: List of All Data Elements Across Case Types

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES	CASE TYPE(S)	CORRESPONDING NODS ELEMENT
<b>RaceEthnicity</b>	Law enforcement, jail/detention facility, court, school, or service provider	<i>[Select all that apply.]</i> Black or African American, American Indian or Alaska Native, Asian, White, Native Hawaiian or other Pacific Islander, Middle Eastern or North African, Hispanic or Latinx/Latine, Another race	All	Race, Ethnicity
<b>TribalAffiliation</b>	Law enforcement, jail/detention facility, court, school, or service provider	Tribal or Indigenous Nation Affiliation	All	Tribal affiliation
<b>Gender</b>	Law enforcement, jail/detention facility, court, school, or service provider	Woman, Man, Non-binary or another gender	All	Gender
<b>Transgender</b>	Law enforcement, jail/detention facility, court, school, or service provider	Cisgender, Transgender	All	Transgender
<b>Education</b>	Law enforcement, jail/detention facility, court, school, or service provider	Less than high school, High school diploma or GED, Some college but no college degree, Vocational training or license, Associate's degree, Bachelor's degree, Graduate degree	Criminal, COE/COT	
<b>Veteran</b>	Law enforcement, jail/detention facility, court, school, or service provider	Has served in the U.S. Armed Forces, Reserves, or National Guard; Has not served in the U.S. Armed Forces, Reserves, or National Guard	Criminal, COE/COT	Veteran/Military status

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DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES	CASE TYPE(S)	CORRESPONDING NODS ELEMENT
<b>Housing</b>	Law enforcement, jail/detention facility, court, school, or service provider	Private residence, Congregate care, Homeless according to HUD definition ( <i>homeless, imminent risk of homelessness, homeless under other federal statutes, or fleeing/attempting to flee domestic violence</i> )	All	Residential status, Homeless status, Living Arrangement
<b>Benefits</b>	Law enforcement, jail/detention facility, court, school, or service provider	<i>[Select all that apply.]</i> Medicaid, Medicare, SNAP, TANF, SSI, Other	All	
<b>Indigent</b>	Law enforcement, jail/detention facility, court, school, or service provider	Has been Identified as indigent or qualifies for a fee waiver, Has not been identified as indigent and does not qualify for a fee waiver	All	Indigent Status, Fee waiver date
<b>Insurance</b>	Law enforcement, jail/detention facility, court, school, or service provider	Public, private	All	
<b>Disability</b>	Law enforcement, jail/detention facility, court, school, or service provider	Requested a disability accommodation, Did not request a disability accommodation	All	Special Needs/ADA Flag
<b>LEP</b>	Law enforcement, jail/detention facility, court, school, or service provider	Has been identified as having Limited English Proficiency or needing translation services, Has not been identified as having Limited English Proficiency or needing translation services	All	Interpreter Flag

## BEHAVIORAL HEALTH DATA ELEMENTS GUIDE FOR THE STATE COURTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES	CASE TYPE(S)	CORRESPONDING NODS ELEMENT
<b>Language</b>	Law enforcement, jail/detention facility, court, school, or service provider	Primary spoken language	All	Primary Language
<b>Petitioner</b>	Law enforcement, jail, court, or service provider	Relationship of petitioner Family member, Medical provider, Law enforcement, Other	COE/COT	
<b>Deflected</b>	Law enforcement	Defendant or young person was deflected to services instead of jail/detention/formal case processing Yes, No	Criminal, Juvenile	
<b>BHScreen</b>	Law enforcement, jail/detention facility, school, or service provider	Defendant or young person has been screened for behavioral health needs Yes, No	Criminal, Juvenile	Assessment Flag
<b>BHNeed</b>	Law enforcement, jail/detention facility, school, or service provider	On most recent screen, defendant or young person was identified as having a behavioral health need Yes, No	Criminal, Juvenile	
<b>DiversionEligible</b>	Court	Defendant or young person was deemed eligible for a diversion program or problem-solving court <i>[If there are multiple programs available, specify for each.]</i> Yes, No	Criminal, Juvenile	Diversion Eligibility Flag
<b>DiversionOffer</b>	Court	Defendant or young person was offered the option to enter a diversion program or problem-solving court <i>[If there are multiple diversion programs available, specify for each.]</i> Yes, No	Criminal, Juvenile	

## BEHAVIORAL HEALTH DATA ELEMENTS GUIDE FOR THE STATE COURTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES	CASE TYPE(S)	CORRESPONDING NODS ELEMENT
Override	Court	Result of screening or assessment instrument was overridden <i>[If there are multiple programs available, specify for each.]</i> Yes, No	Juvenile	
OverrideReason	Court	Reason for override	Juvenile	
PastBHSreen	Law enforcement, jail, court, or service provider	Respondent has been screened for behavioral health needs in the past Yes, No	COE/COT	
PastRiskNeeds	Law enforcement, jail, court, or service provider	Respondent has been screened with a criminogenic risk and needs assessment in the past Yes, No	COE/COT	Risk Assessment Instrument
PastPetition	Law enforcement, jail, court, or service provider	Respondent has been the subject of a past petition for court-ordered evaluation or treatment Yes, No	COE/COT	
PastArrest	Law enforcement, jail	Respondent has an arrest history Yes, No	COE/COT	
PastIncarceration	Law enforcement, jail, court, or service provider	Respondent has been incarcerated Yes, No	COE/COT	
PastEmergency	Law enforcement, jail, court, or service provider	Respondent has accessed an emergency department for a behavioral health issue Yes, No	COE/COT	
PastTreatment	Service provider	Number of prior community behavioral health treatment visits	COE/COT	

## BEHAVIORAL HEALTH DATA ELEMENTS GUIDE FOR THE STATE COURTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES	CASE TYPE(S)	CORRESPONDING NODS ELEMENT
PastInpatient	Service provider	Number of prior behavioral health inpatient treatment stays	COE/COT	
FilingDate	Court	Date of initial charge, court filing, or petition for court-ordered treatment and/or evaluation	All	Case Initial Filing Date
CompetencyRaised	Court	The question of the defendant's or young person's competency has been raised Yes, No	Criminal, Juvenile	
BHEvalPetition	Court	Petition has been filed for court-ordered evaluation and/or treatment. Yes, No	COE/COT	
BHEvalOrder	Court	The court ordered a behavioral health evaluation Yes, No	COE/COT	
ReferralDate	Court	Date referred for competency evaluation or behavioral health evaluation	All	Evaluation ordered
EvalDate	Court or service provider	Date(s) evaluation(s) conducted	All	
EvalSetting	Court or service provider	Jail/detention center, Inpatient hospital, Outpatient provider, Other	All	Evaluation in house

## BEHAVIORAL HEALTH DATA ELEMENTS GUIDE FOR THE STATE COURTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES	CASE TYPE(S)	CORRESPONDING NODS ELEMENT
EvalFileDate	Court	Date(s) evaluation(s) filed	All	
CompetencyHearingDate	Court	Date(s) of competency hearing(s)	Criminal, Juvenile	
CompetencyHearingOutcome	Court	<i>[Collect this information for first hearing and each subsequent review.]</i> Competent to stand trial, Not competent to stand trial – referred for continued restoration/remediation, Not restorable	Criminal, Juvenile	
NotCompetentReason	Court	Reason(s) for determination of Not Competent <i>[Tailor the response options to the jurisdiction's relevant statute or caselaw.]</i> Cognitive functioning, Adaptive functioning, Clinical Functioning, Comprehension of relevant forensic issues, Genuineness of effort	Juvenile	
RestorationOrderDate	Court	Date of restoration/remediation order or referral	Criminal, Juvenile	
RestorationOrderType	Court	Inpatient hospital, Outpatient provider, Community restoration/remediation, Other	Criminal, Juvenile	
RestorationStart	Court or service provider	Date restoration/remediation began	Criminal, Juvenile	



## BEHAVIORAL HEALTH DATA ELEMENTS GUIDE FOR THE STATE COURTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES	CASE TYPE(S)	CORRESPONDING NODS ELEMENT
RestorationReportDate	Court	Date restoration/remediation report filed	Criminal, Juvenile	
NotRestorable	Court	Outcome of Not Restorable determination Release, Civil court ordered treatment filing, Other	Criminal, Juvenile	
BHTreatmentOrder	Court	The court ordered behavioral health treatment Yes, No	COE/COT	Service ordered
BHTreatmentType	Court	Outpatient treatment, Inpatient treatment, Combined inpatient/outpatient treatment	COE/COT	Service type
TreatmentHearingDate	Court	Date(s) of hearing(s) to rule on treatment	COE/COT	
TreatmentHearingDate	Court	Date(s) of hearing(s) to rule on treatment	COE/COT	
TreatmentHearingOutcome	Court	<i>[Collect this information for first hearing and each subsequent review.]</i> Court-ordered treatment is ordered, Court-ordered treatment is maintained, Court-ordered treatment is amended, Court-ordered treatment is discontinued	COE/COT	Result
Program	Court	Diversion program or type of problem-solving court	Criminal, Juvenile	Diversion Program
EntryDate	Court	Date of entry into diversion program or problem-solving court	Criminal, Juvenile	Diversion Entry
ExitDate	Court	Date of exit from diversion program or problem-solving court	Criminal, Juvenile	Diversion Exit

## BEHAVIORAL HEALTH DATA ELEMENTS GUIDE FOR THE STATE COURTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES	CASE TYPE(S)	CORRESPONDING NODS ELEMENT
PlacementDate	Court	Date of placement in court-ordered treatment	COE/COT	
SuccessDate	Service provider	Date respondent met individualized clinical goals	COE/COT	
SuccessConditions	Court	Conditions for successful completion of diversion program, problem-solving court, or court-ordered treatment	All	
StatusDate	Court	Date(s) of judicial status hearing(s) or case review meeting(s) <i>[Collect this information for each hearing/proceeding.]</i>	All	
StatusAttendance	Court	Attendance at judicial status hearing(s) or case review meeting(s) <i>[Collect this information for each hearing/proceeding.]</i> Attended, Did not attend	All	
StatusOutcome	Court	Outcome(s) of judicial status hearing(s) or case review meeting(s) <i>[Collect this information for each hearing/proceeding.]</i>	All	Result
TreatmentDate	Court	Date(s) of scheduled treatment session(s) <i>[Collect this information for each session.]</i>	All	
TreatmentAttendance	Court	Attendance at scheduled treatment session(s) <i>[Collect this information for each session.]</i> Attended, Did not attend	All	Service/Evaluation Outcome
EmploymentStart	Court or service provider	Employment status at start of program Employed, Underemployed, Unemployed and seeking work, Unemployed and not seeking work	Criminal	

## BEHAVIORAL HEALTH DATA ELEMENTS GUIDE FOR THE STATE COURTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES	CASE TYPE(S)	CORRESPONDING NODS ELEMENT
<b>EmploymentEnd</b>	Court or service provider	<b>Employment status at end of program</b> Employed, Underemployed, Unemployed and seeking work, Unemployed and not seeking work	Criminal	
<b>ExitReason</b>	Court	<b>Reason for exit from program</b> Successful completion, Administrative closure, Voluntary withdrawal while in compliance, Transfer to another program, Neutral discharge, Failure/termination, Death	Criminal, Juvenile	Diversion Exit Type
<b>ArrestDate</b>	Law enforcement or jail/detention facility	<b>Date of arrest or detention</b>	Criminal, Juvenile	
<b>BailDate</b>	Court	<b>Date of bail/bond hearing</b>	Criminal	
<b>BailResult</b>	Court	Denied bail, Granted bail, Released on own recognizance	Criminal	Pretrial Release Decision, Bond Type
<b>BailAmount</b>	Court	<b>Amount of bail</b>	Criminal	Bond Amount
<b>ReleaseConditions</b>	Court	<b>Conditions of pretrial release from jail or detention</b>	Criminal, Juvenile	Condition(s) of release
<b>ReleaseDate</b>	Jail/detention facility	<b>Date defendant or young person made bail or was released from custody/detention</b>	Criminal, Juvenile	Pre-adjudication Detention
<b>RevocationDate</b>	Court	<b>Date pretrial release was revoked</b>	Criminal, Juvenile	
<b>RevocationReason</b>	Court	<b>Reason for revocation of pretrial release</b>	Criminal, Juvenile	Pretrial Release Revocation Reason

## BEHAVIORAL HEALTH DATA ELEMENTS GUIDE FOR THE STATE COURTS

DATA ELEMENT	DATA SOURCE	DEFINITION OR RESPONSE CATEGORIES	CASE TYPE(S)	CORRESPONDING NODS ELEMENT
<b>LengthInpatientStay</b>	Service provider	Length of stay (days) in inpatient treatment facility <i>[If there are multiple stays, specify for each.]</i>	COE/COT	
<b>ConfinementDate</b>	Court or service provider	Date when most recent confinement began	COE/COT	
<b>RearrestDate</b>	Law enforcement, jail/detention facility, court, or service provider	Date(s) of re-arrest(s) after exit from program or completion of court-ordered treatment	All	
<b>RearrestReason</b>	Law enforcement, jail/detention facility, court, or service provider	Reason(s) for re-arrest(s) after exit from program or completion of court-ordered treatment	All	
<b>RehospitalizationDate</b>	Law enforcement, jail, court, or service provider	Date(s) of re-hospitalization after completion of court-ordered treatment	COE/COT	

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