

Summary of the Convening of National Organizations and Foundations for the National Judicial Task Force to Examine State Courts' Response to Mental Illness

April 28, 2021

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Introduction

The National Judicial Task Force to Examine State Courts' Response to Mental Illness (Task Force) convened two additional meetings after the three meetings with national organizations held in October 2020. The two most recent meetings occurred on April 28, 2021, and April 30, 2021. Like the initial meetings in October, these meetings were designed to share the work of the Task Force with key national organizations and leaders, learn about areas of focus and current initiatives from participants, and identify potential opportunities for collaboration and partnerships to reduce the overrepresentation of people with mental illnesses in the justice system. These convenings were also intended to allow the Task Force and others to avoid duplication of efforts and to leverage limited resources.

Each participating organization was asked to

- Briefly describe major initiatives and
- List reports or studies of interest and/or websites.

The participating organizations and links to their responses for the April 28, 2021 meeting are in Appendix A.

Participants and Key Themes from the April 28, 2021 Meeting

The organizations participating in the April 28 meeting included:

- American Psychiatric Association Foundation
- American Psychological Association
- Mental Health America
- National Alliance on Mental Illness
- National Council of Behavioral Health

The agenda, which contains those participating and their affiliations, can be found in Appendix B.

Several themes emerged from the discussions. These included:

- A focus on recovery, rather than symptom relief, as the goal of treatment;
- A focus on intervening as early as possible, which means intercept zero (community services) of the sequential intercept model is the key intercept;
- A focus on assuring access to good quality care, regardless of geographic location;
- An emphasis on education of both judges/justice system participants and clinicians so that each understands the values and key concepts that inform the other; and
- The importance of peers as part of the system of care.

Each is discussed in more detail below.

A Focus on Recovery Rather than Symptom Relief as the Goal of Treatment

Many participants emphasized their commitment to recovery as the end goal of treatment, with several organizations making this an explicit part of their presentations. This was not always the case historically, and many interventions, especially at the point of crisis, continue to focus on symptom relief and reducing risk to self and others. An emphasis on recovery is important both because treatment methods now exist to accomplish this, but also because of the message that it sends the general public about the possibility that persons with mental illnesses, like persons with physical illnesses, can in fact recover from those illnesses.

A Focus on Intervening as Early as Possible, Which Means Intercept Zero (Community Services) of the Sequential Intercept Model is the Key Intercept

Several presenters noted that early intervention was essential, which mirrored observations made by several discussants at the October, 2020 meetings. When the sequential intercept model was developed, it began with intercept one, which typically was triggered by a call to a 911 call center followed by dispatch of law enforcement and/or mobile crisis teams. However, as the importance of diverting people entirely from the justice system became clear, a new intercept (intercept zero) focused on organization of care systems to entirely divert people from emergency response systems has developed. Presenters at the April 28 meeting emphasized this intercept, which mirrors discussion at the October 2020 meetings in which there was much discussion regarding the importance of keeping people out of the justice system through systemic care rather than relying principally on specific interventions and responses such as specialty courts.

A Focus on Assuring Access to Good Quality Care, Regardless of Geographic Location

Participants observed that too often access to care is determined by where a person lives as well as social determinants such as economic status, housing stability, and other factors. The issue of access also came up repeatedly in the October 2020 discussions. One particularly significant development is the emerging role of the Certified Community Behavioral Health Clinic (CCBHC). In 2020, Congress expanded an eight-state Medicaid demonstration program; today, there are 340 CCBHCs operating in 40 states plus Washington, D.C. and Guam. More information regarding CCBHCs can be found here: <https://www.thenationalcouncil.org/ccbhc-success-center/>

A related issue that was raised was whether and how the focus of clinicians who work with the justice system can move beyond providing evaluations (the typical role of mental health professionals in providing services to the justice system) to an emphasis on access to care for those who become involved with the justice system. Both the American Psychiatric Association and the American Psychological Association have initiatives relevant to this question (and as noted, CCBHCs are charged with creating relationships with justice partners).

Finally, there was an emphasis on creating access to care for school age children who may find themselves eventually on the path to the justice system. One suggestion was to incorporate schools into system mapping.

An Emphasis on Education of Both Judges/Justice System Participants and Clinicians

A theme that emerged repeatedly was the need to provide continuing and useful education on clinical care to judges and justice system stakeholders, while providing information regarding the justice system to clinicians, particularly as the focus shifts from evaluation to access. All participating organizations expressed interest in expanding their partnerships with judicial officials to provide information on issues ranging from access to national best practices, to financing, and the use of peers. The National Alliance on Mental Illness expressed a particular interest in creating community-based laboratories to bring information regarding scalable solutions to bear as well. Other possible initiatives included a standard brochure to distribute to families when they have a loved one appear in court. One site mentioned as a possible model for educational initiatives can be found here: <https://csgjusticecenter.org/projects/mental-health-courts/learning/learning-modules/introduction-to-criminal-justice/>

The Importance of Peers as Part of the System of Care

One of the most significant developments in mental health care, particularly with justice-involved persons with mental illness, has been the growing recognition of and reliance on peers who have lived experience. Several participants emphasized the essential nature of peers, something one discussant emphasized will be increasingly important with the impact of COVID on mental health. This participant provided a link to a website summarizing survey responses on the impact of COVID on respondent mental health and that can be found here: <https://mhanational.org/mental-health-and-covid-19-what-mha-screening-data-tells-us-about-impact-pandemic> In addition, the National Alliance on Mental Illness described a program that creates a pipeline for individuals to become peer specialists and cited specific programs led by trained peers.

Opportunities

Just as the themes that emerged from the October 2020 meetings suggested future opportunities, the discussion at the April 28, 2021 meeting highlights several opportunities going forward.

First, as was true in the October meetings, the question of access regardless of various social determinants is a major concern of the national organizations participating in April. This suggests an opportunity for these national organizations to partner with judicial organizations to provide members with information about the financial, systemic and clinical issues associated with access. This would take advantage of the move from focusing on forensic

examinations as the primary clinical point of contact with many court systems to a more systemic engagement.

Second, there is ample opportunity to improve and expand education across professional and organizational boundaries. While the judicial and clinical systems are less siloed in many communities than they were historically, the recognition by the Task Force of the continuing and growing impact of mental illness on justice-involved people, combined with the recognition of the importance of these issues by multiple national organizations creates an unprecedented opportunity to rethink how each system educates and informs the other beyond individual cases.

Finally, there are opportunities to make peers, families and those with lived experience essential rather than peripheral partners in these efforts. The recognition by and emphasis on the importance of their contributions by the national organizations represented at the April meeting suggests a real opportunity to help shape judicial and clinical attitudes toward the experiences of those with mental illnesses involved in or at risk of involvement with the criminal justice system.

Summary

The April 28, 2021 meeting, like those held in October, illustrated the growing consensus among judicial, clinical and philanthropic leaders about the core issues on which the Task Force can provide continuing and essential leadership. Each of the meetings has made clear that judicial leadership on these issues continues to be essential, and that leadership can have an increasingly greater impact given the participation of stakeholders and funders for whom this has become a major priority.

Appendix A: Participating Organizations and Responses

[American Psychiatric Association Foundation](#)

[American Psychological Association](#)

[Mental Health America](#)

[National Alliance on Mental Illness](#)

[National Council of Behavioral Health](#)

Appendix B: Agenda and Participant List

National Convening Agenda April 28th, 2021 12:00 noon – 1:30 pm ET

12:00 noon I. Welcome and Introductions by Justice Christopher Goff, Indiana and Judge Steven Leifman, Miami Dade County, Florida

After introductions, Justice Goff and Judge Leifman will describe the purpose of this convening and background and activities of the **National Judicial Task Force of the State Courts' Response to Mental Illness** including *The Future is Now: Decriminalization of Mental Illness* which describes work completed through the National Initiative to Improve the Justice System Response to Mental Illness and the Behavioral Health and the Courts Website which includes information and products of the **Task Force** at www.ncsc.org/behavioralhealth .

We will also acknowledge the **Meadows Mental Health Policy Institute** which has agreed to provide the necessary expertise to catalogue and categorize the activities and plans described, make any recommendations relating to a possible shared vision and partnerships and articulate a possible path forward to improve outcomes for those with mental illnesses who may interact with the justice system and the state courts.

Executive Director Jonathan Mattiello, **State Justice Institute (SJI)**, has also been invited to make welcoming remarks. We are very grateful to SJI for its support of the **Task Force**.

The national organizations and individuals participating today include:

American Psychiatric Association – CEO and Medical Director, Dr. Saul Levin declined due to a scheduling conflict and asked that APA Foundation Board Member Retired Justice Evelyn Stratton and Amy Porfiri, Interim Executive Director, APA Foundation, attend in his stead.

American Psychological Association – CEO and Exec. VP Arthur Evans, Jr. PhD.

Mental Health America (MHA) – President and CEO, Paul Gionfriddo and Debbi Plotnick, VP, State and Federal Advocacy.

National Alliance on Mental Illness (NAMI) – CEO Daniel H. Gillison, Jr.

National Council for Behavioral Health (Mental Health First Aid) – President and CEO, Charles Ingoglia, and Brett Beckerson, Director, Public Policy and Advocacy.

12:10 pm II. Conversation with National Organizations and Foundations

Justice Goff and Judge Leifman will invite each of the organizations to provide a brief report (no more than five minutes) of initiatives, priorities and opportunities for collaboration followed by a conversation and an exchange of ideas and potential partnerships.

1:10 pm III. Closing Remarks and Next Steps

1:30 pm Adjournment