

# NATIONAL JUDICIAL TASK FORCE TO EXAMINE STATE COURTS' RESPONSE TO MENTAL ILLNESS

*On March 30, 2020, the Conference of Chief Justices and Conference of State Court Administrators established the National Judicial Task Force to Examine State Courts' Response to Mental Illness with a charge to "assist state courts in their efforts to more effectively respond to the needs of court-involved individuals with serious mental illness." The Task Force is continuing the work of the National Center for State Courts' Mental Health Initiative which began in 2019 with financial support from the State Justice Institute.*

## Primary Issues and Focus of the Task Force

**"Responding effectively to the needs of court-involved individuals with serious mental illness remains a grave national issue and pressing concern.... It is the role of the Conference of Chief Justices and Conference of State Court Administrators to lead the state court community in prompting changes to state court policies and practices that will lead to fairer, timelier justice for [those] with serious mental illness...."<sup>1</sup>**

The prevalence of mental illness is greatly impacting the U.S., our states, and our communities and has a disproportionate effect on our courts and justice system. State courts are too often the primary point of intersection between the community and those with behavioral health issues. Local jails and detention centers are the largest providers of mental health services – for both adults and children – in the country. The Task Force will provide leadership for the state courts by thoroughly examining the mental health crisis and developing the policies, resources, tools, and other practices needed to create a more effective, fair, and timely judicial response.

The state laws and procedures involving competency to stand trial require attention. Tens of thousands of defendants charged with misdemeanors or non-violent felonies are languishing in jail while awaiting a state hospital bed or community restoration, often waiting longer than if sentenced for the original crime. Similarly, revision of state legal standards and processes for civil commitment and expanded use of Assisted Outpatient Treatment are needed.

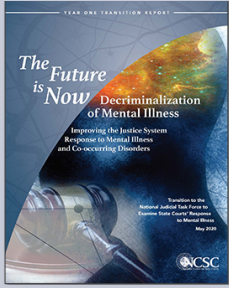
The level and quality of behavioral health treatment available to state courts is lacking in many communities, as well as opportunities to divert cases involving individuals with serious mental illness. The expansion and strengthening of court-based programs, such as mental health and other problem-solving courts, is also an important priority.

More timely and efficient caseload management for the cases involving parties with behavioral health needs and the use of technology to increase speed and expand access are of critical importance.

Promoting education to equip state court judges and professionals with the knowledge, data, and resources they need to improve the courts' responses and the development of a national education and training curriculum to support that effort are required.

Finally, there is need for a thorough review of all state court interactions with individuals who have serious mental illness and of all future work and activities of the Task Force through the lens of and concern for racial justice.

## Task Force Activities



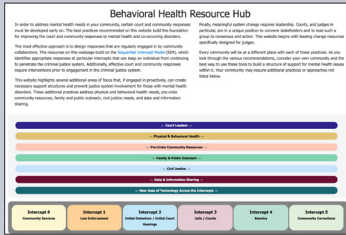
A transition report, **The Future is Now: Decriminalization of Mental Illness**, published in May 2020, documents the work of the NCSC Mental Health Initiative.

A guide for court leaders enables courts, utilizing the Sequential Intercept Model, to lead their communities in an examination of the issues and needs of those with mental illness and the effective utilization of community resources to improve and create new and more successful responses.



The **Behavioral Health Resource Hub** for courts has been developed with information, research, tools,

best practice recommendations, and other materials designed to assist judges and state court professionals.



An online newsletter, **Behavioral Health Alerts**, is published semi-monthly to share the latest data, research, and informative resources related to the intersection of behavioral health and the courts.

As the Task Force continues its work, information about new activities, tools, and resources can be found at [www.ncsc.org/mentalhealth](http://www.ncsc.org/mentalhealth).

<sup>1</sup> CCJ-COSCA Resolution 3, In Support of Establishing a National Judicial Task Force (2020).

## Task Force Executive Committee



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