Mental Health Court Research Roundup: Applying Research to Practice

Lisa Callahan, Ph.D.,

Senior Research Associate II, Policy Research Associates,

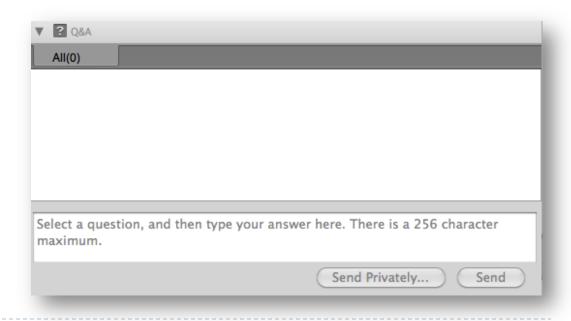
Heathcote Wales, J.D., Associate Professor, Georgetown University Law Center,

March 26, 2013





Please type your questions into the Q&A box on the lower right hand side of the screen.



Emerging Mental Health Court Research



Jessica Myers Program Associate CSG Justice Center



Collaborative Approaches to Public Safety

3

Please take a moment to answer the question that will appear on the right-hand side of your screen

Emerging Mental Health Court Research



Jessica Myers Program Associate CSG Justice Center



Collaborative Approaches to Public Safety

Welcome and Introduction



Hallie Fader-Towe Director, Courts Program CSG Justice Center



Collaborative Approaches to Public Safety

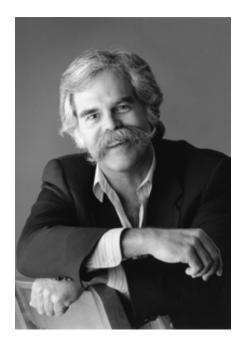
Applying Mental Health Court Research to Practice



Lisa Callahan Ph.D., Senior Research Associate II, Policy Research Associates



Applying Mental Health Court Research to Practice



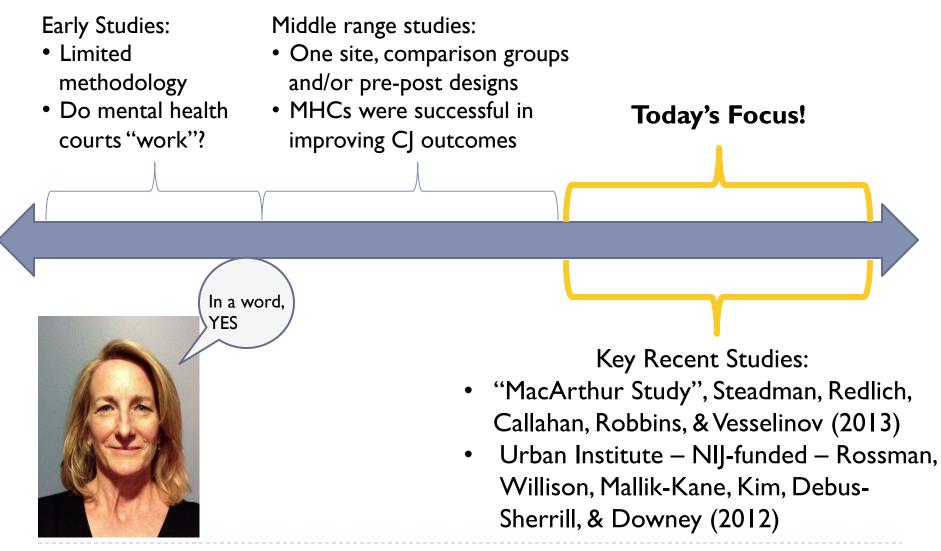
Heathcote Wales J.D. Associate Professor of Law Georgetown University Law Center



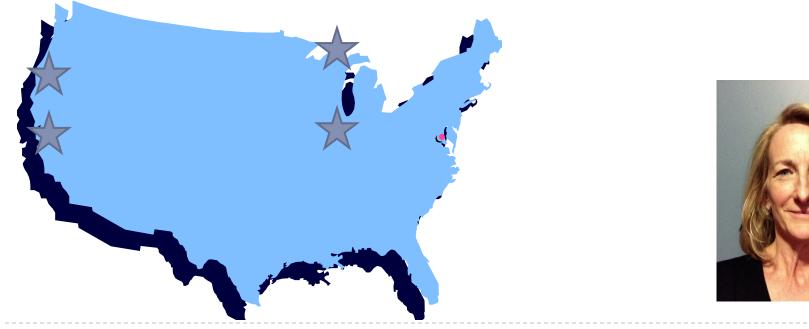
GEORGETOWN UNIVERSITY LAW CENTER

Can the available MHC research address these key questions?

- Do mental health courts reduce recidivism?
- What kinds of defendants produce the most favorable mental health court outcomes—that is for whom do mental health courts work?
- What kind of data should mental health courts collect?
- Under what circumstances should mental health courts use jail as a sanction?
- What can mental health court teams do to facilitate the success of participants?
- Based on your research and work in this area, what advice do you have for courts to help sustain themselves beyond a federal grant.



- "MacArthur Study" Steadman, Redlich, Callahan, Robbins, & Vesselinov (2013)
 - 4 sites, pre/post design, comparison group (jail/treatment as usual) – felonies and misdemeanors



- "MacArthur Study" Steadman, Redlich, Callahan, Robbins, & Vesselinov (2013)
 - 4 sites, pre/post design, comparison group (jail/treatment as usual) – felonies and misdemeanors

Conclusions:

- Post-entry annualized (time at risk to reoffend) re-arrest rate significantly lower for MHC sample
- Post-entry incarceration days significantly lower for MHC sample

Do mental health court participants receive more treatment services than similar defendants?

I2M prior to MHC enrollment

- More crisis episodes
- More therapeutic treatment episodes than similar defendants

I2M after MHC enrollment

- More intensive treatment episodes and therapeutic treatment episodes than similar defendants.
- In other words, among MHC participants, there is a shift from crisis treatment to intensive treatment.
- MHC participants access community treatment more quickly following discharge from jail than similar defendants.



- Urban Institute NIJ-funded Rossman, Willison, Mallik-Kane, Kim, Debus-Sherrill, & Downey, (2012)
 - 2 sites in NYC, "pre/post" design, comparison group (jail/ treatment as usual) – felonies and misdemeanors



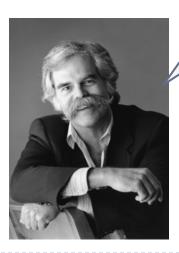


- Urban Institute NIJ-funded Rossman, Willison, Mallik-Kane, Kim, Debus-Sherrill, & Downey, (2012)
 - 2 sites in NYC, "pre/post" design, comparison group (jail/ treatment as usual) – felonies and misdemeanors

Conclusions:

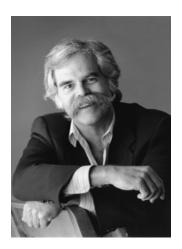
- Post-entry re-arrest rate was significantly lower for Brooklyn MHC sample, lower (ns) in the Bronx
- Post-entry re-conviction rate was significantly lower for Brooklyn MHC sample, lower (ns) in the Bronx

- Most outcome studies measure recidivism post-entry most of the arrests measured occur while participant is still under MHC supervision
- Five studies measuring arrests post-exit (longest followups: 2 years post-exit) all find statistically significant reductions



Yes, at least in the short-term

- D.C. MHC study Hiday, Wales, & Ray (2013).
 - pre-post (2 years), comparison group with same case management and services, pre-plea, misdemeanors, pretrial services agency





D.C. MHC study – Hiday, Wales, & Ray (2013).

pre-post (2 years), comparison group with same case management and services, pre-plea, misdemeanors, pretrial services agency

Conclusions:

- Both MHC and comparison group had significantly fewer arrests one year post-exit
- MHC graduates had significantly lower percentage arrested than comparison group and MHC non-completers. Of those arrested, MHC completers had:
 - Fewer arrests
 - Longer time before arrests
- > 2 year data currently being run

- Principal vulnerability in comparison group studies is selection bias – difficulty in controlling for differences between MHC and comparison groups arising from:
 - Selection criteria for acceptance into MHC cherry picking
 - Volunteerism are those agreeing to MHC more willing to change?
- We don't know why MHCs work, although we do have theories, including:
 - Attention to criminogenic variables
 - Procedural justice



What kinds of defendants produce the most favorable mental health court outcomes—that is for whom do mental health courts work?

- MacArthur Study:
 - Re-arrest rates lower for MHC participants who:
 - Graduate from the program
 - Had lower pre-arrest and incarceration rates
 - Had treatment at baseline interview/admission to MHC
 - Re-incarceration rates lower for MHC participants who:
 - All of the above plus
 - Did not use illegal substances in past 30 days
 - Had a diagnosis of bi-polar disorder, rather than depression or schizophrenia
 - Demographic characteristics do not have an independent effect on "success"



- Urban Institute/NIJ Study:
 - In the Bronx, re-arrest rates lower for MHC participants who:
 - Are older (race and sex do not matter)
 - Are arrested for violent offenses compared with property or drug offenses
 - Do not have a diagnosis of substance use disorder, especially cocaine or heroin



- MacArthur Study:
 - People with COD:
 - Have lower education levels
 - Are younger at first arrest
 - Have had more arrests since age 15
 - No difference by demographics
 - Target arrests are most likely to be for drug offenses
 - No difference in the primary diagnosis 77% Depressive Disorder; 75% Other Axis 1; 73% schizophrenia



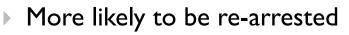
MacArthur Study:

- People with COD:
 - Less likely to comply with MHC conditions including judicial orders, appointments, & medications
 - More likely to have their MHC hearings while in custody
 - More likely to be sanctioned, including a jail sanction



MacArthur Study:

- People with COD:
 - Less likely to comply with MHC conditions including judicial orders, appointments, & medications
 - More likely to have their MHC hearings while in custody
 - More likely to be sanctioned, including a jail sanction



- Spend 2x as much time in jail post-enrollment
- More likely to be terminated from MHC, more likely to still be under MHC supervision at 12M, and less likely to graduate by 12M



MacArthur Study (cont'd):

- Cost Implications of COD:
 - "high users" of treatment and CJ system 55% of participants who did not have COD v 33% of participants with COD



Urban Institute Study:

- Bronx: 66% had substance use disorder and Axis I/II diagnosis
- Brooklyn: 70% had substance use disorder and Axis I/II diagnosis

27

D.C. MHC study – Hiday, Wales, & Ray (2013).

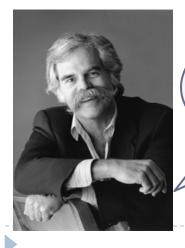
 pre-post (2 years), comparison group with same case management and services, pre-plea, misdemeanors, pretrial services agency

Post-exit arrests fewer for MHC participants who:

- Graduate
- Are older
- Have fewer arrests in year prior
- Have fewer arrests while in MHC



- Depending on the resources available to the MHC for coordinated treatment of COD,
- MHC may or may not be effective for severely mentally ill with substance abuse.
- Thus screeners for MHC admission should not rush to exclude younger persons with more arrests and COD. Many may be capable of success in MHC, and many have graduated.
 - MHCs often adjust the elements of treatment and services offered to fit participant needs, leading to better information as to what works and for whom



But we don't really know, and won't until we sort out the elements in MHC programs that have a positive effect

I. What is the purpose of your data?

Internal evaluation Requirement of funding External dissemination Comparison with other programs

2. What are your resources?

Access to a researcher Computer/IT resources – web-based programs Program staff to reliably enter the data



3. What outcomes must you measure?

4. Basic information:

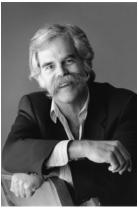
Participants – Who is being referred? Demographics Screening/Assessments Psychiatric/diagnostic Substance use Trauma Level of functioning Risk for homelessness Criminal justice Social history

4. Basic information (cont'd)

Process: Who is referring? How long does each step take What is the structure of the MHC team What is the structure of the MHC hearings Steps/phases

c. <u>Outcomes</u>: Defining goals for each participant and path to reach goals Post-enrollment/completion follow-up

- We don't know what causes persons with severe mental illness to commit crimes (although we have plenty of theories)
- Thus we're trying to determine causes by finding what cures it, much as we've done with severe mental illness itself.
- Of key importance is recording the elements of treatment and services received by participants (along with participants' demographics, clinical status, and history) so that we can link inputs to outcomes.
- Feedback from MHC participants easier to collect when their answers can't affect their release from supervision – on court processes and treatment programs can also be helpful



Under what circumstances should mental health courts use jail as a sanction?

Under what circumstances should mental health courts use jail as a sanction?

- Philosophy of the judge and MHC team
- MHCs are not drug courts for persons with mental illness

 they are different
 - Having illegal substances is a crime.
 - Have mental illness is not a crime.
- Why did the person not comply with a court order?



Under what circumstances should mental health courts use jail as a sanction?

- Clear understanding/agreement of objectives for graduated sanctions
 - Will a jail stay obtain this objective?
- Practical considerations:
 - Is there room at the jail?
 - Are there resources to process/transport the person?
 - Are they other options?
 - Will a jail sanction meet team's objectives?
 - If you use jail as a sanction, what's left?
 - "Remand" is a sanction of last resort. Warrants are issued and/ or executed in about 20-30% of MHC cases during program duration.

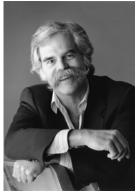
Under what circumstances should mental health courts use jail as a sanction?

MacArthur Study:

- Who reports having received a jail stay as a sanction? Those who:
 - had more MH symptoms at 6M interview
 - are likely to have been arrested for drug offense, least likely for violent offenses
 - were less likely to have received treatment in months prior to MHC enrollment
 - were homeless at enrollment & have had more days homeless
 - have had more arrests since age 15 & more pre-MHC incarcerations
 - report using illegal drugs in past 30 days & used more often
 - are reported to have lower compliance rates
 - are the least likely to think they'd go to jail if they violated conditions

Under what circumstances should mental health courts use jail as a sanction?

- Unaware of any empirical evidence showing jail sanctions to be effective in reducing recidivism in this population
- Indeed, the entire rationale for MHCs is that penal incarceration did not seem to be effective.
- MHCs have experimented with a variety of sanctions in lieu of jail, or as a way to work off a suspended jail sanction, usually involving work for the benefit of others, to reinforce a sense of having something to contribute and of being useful to society.
- When used, jail should not interrupt daytime attendance at therapy and other service appointments for the MHC.



- Set individual goals with realistic steps for achieving those goals
- Maintain consistency within the team philosophy, commitment, procedures, implementation
- Integrate peers into the team and service delivery (e.g. peer mentors, recovery coaches)
- Revisit MHC policies and procedures on a regular basis.



• Use data to inform internal review to answer basic questions:

- What are we doing well? Who are we doing well with?
- What could we do better? Who could we do better with?
- Where are our gaps?
- Are we providing redundant services? Too many services?
- Do we have the resources that match our participants? If no, how can we obtain those resources? Do we need new partners?
- Identify resources and partners in the community.
- Take advantage of training events that benefit participants (e.g. SOAR)
- Build allies across the entire system.



Procedural Justice

- Treat the participant with respect listen and take him/her seriously as a partner in the recovery process and insist that s/ he do the same for you.
- Indicate all directives and obligations clearly and explain them.
- Reinforce the notion that participant's presence is their choice, that they can always withdraw, and that participant is responsible for the consequences of their choices



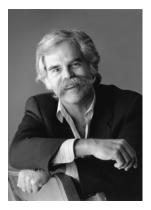
Procedural Justice

- Constantly attempt to discern those aspects of participant's behavior for which s/he can reasonably be held responsible and arrange assistance for those aspects beyond his/her capacities.
 - A prominent issue for many in this population is not being taken seriously by others, not being in control, and having no other function than to somehow stay alive. Demonstrating what participants can control and what they can do to be deserving of respect from others is often very helpful.



Procedural Justice

- Strive for consistency and cohesiveness among team members in their treatment of participants.
- Communicate with team members, preferably in advance of taking action





Council of State Governments Justice Center



Implications of the Federal Health Legislation on Justice-Involved Populations*

In March 2010, President Barack Obama signed into law the Patient Protection and Affordable Care Act (PPACA)⁺ and the Health Care and Education Reconciliation Act.⁺ Together, these two laws are commonly referred to as the PPACA, or colloquially as the "health reform" laws The changes brought about by the health reform law will have a significant impact on how people involved in the criminal justice system can access public health insurance and services.

Most notably, the PPACA expands eligibility for Medicaid. Experts have long recognized that expanding Medicaid eligibility and improving access to treatment services will promote better public and individual health outcomes and is likely to reduce state expenditures.¹ Individuals cycling through prisons and jalls—many of whom have significant health needs, but are not currently enrolled in Medicaid—will soon be eligible for enrollment. Although the most significant changes to Medicaid eligibility do not take effect until 2014 (or cariler, if a particular state opts to accelerate implementation), state officials, including criminal justice system officials, are now planning to put protocols in place in time to meet the new federal requirements tunder the PPACA.

This paper's lead author is Barbara DiPietro, policy director for the National Health Care for the Homeless Council, Council of State Governments Justice Center staff members Alexa Eggleston, substance abuse and addiction project director, and Dr. Fred Osher, director of health systems and services policy, advised on the project. The following experts provided valuable reviews and feedback: Dr. Robin Arnold-Williams, past secretary of the Washington State Department of Social and Health Services; Gabrielle de la Gueronniere, director of national policy, Legal Action Center; Kathy McNamara, assistant director of clinical affairs, National Association of Community Health Centers; Dr. Roger H. Peters, chair and professor. Department of Mental Health Law and Policy, University of South Florida; and Dr. Josiah Rich, co-director, The Center for Prisoner Health and Human Rights.

This document addresses the implications of PPACA for justice-involved adults. It first considers their needs and barriers to treatment. The sections that follow address how the health reform legislation expands these adults' eligibility for Medicaid and what services will be made available, the requirements and exemptions specified by the legislation, and how enrollment will take place."

* This project was supported by Grant No. 2009-CZ-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs within the Department of Justice (D0J). Points of view

Source: DiPietro, Barbara. Frequently Asked Questions: Implications of the Federal Legislation on Justice Involved Populations. New York: Council of State Governments Justice Center, 2011. Available here:

http://consensusproject.org/documents/0000/1052/ FAQs Federal Health Legislation on Justice Involved Populations R EV.pdf

Know if your state is participating in the Medicaid expansion for ACA



Council of State Governments Justice Center

- Join the discussions of what your state's program will look like
- Become the expert on ACA in your community, especially for justice-involved populations
- Justice-involved persons are not excluded in eligibility for Medicaid expansion
- ACA mandates parity for substance abuse and for mental health treatment
- Questions remain about whether residential treatment will be reimbursable
- ACA major implications for provision of services to populations usually in MHCs



Avoid claims that MHCs will save the community money – they might, but it is nearly impossible to show that they do. Instead,

- Identify key allies at each level of government (judges are good at this) –and advocate for your program
 - Publicity get ahead of the news
 - Highlight your program and/or success stories
 - Create an informative, short, printed FYI guide about your program – distribute it

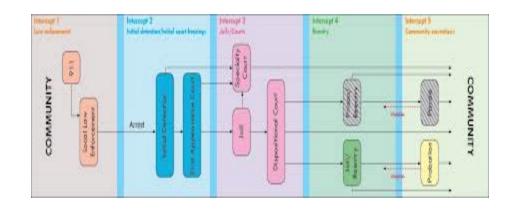


- Go to community events, places of gatherings, schools, organizations – promote it
- Invite the media to your status hearings
- Take the media on a tour of the treatment facilities
- Explain why this court is an integral part of the community



Identify key stakeholders and partners in your community

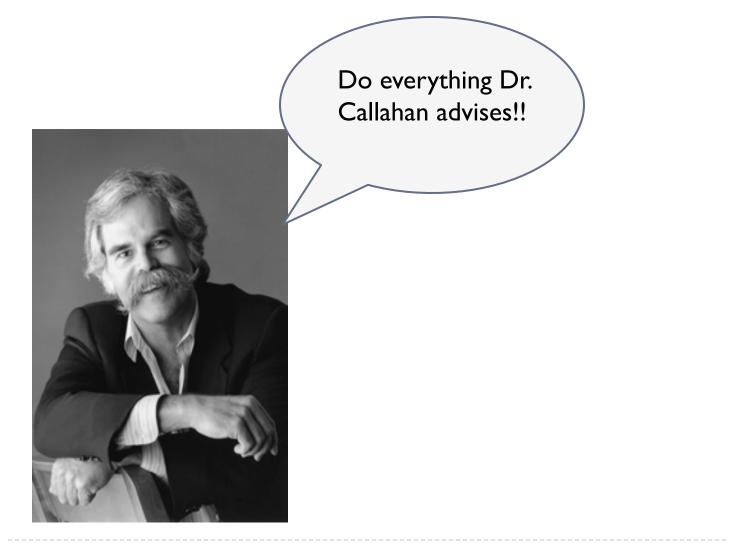
- Consult the "Sequential Intercept Model" (SIM)
- Identify at least one partner at each intercept who are directly affected by your court program – be creative



Convene and work your stakeholder group

- Meet regularly with objectives and agenda, take minutes
- Form subcommittees on key topics such as housing, transportation, screening/assessment – have them report out to full committee
- Invite the local college or university to be the evaluator of your court or the work group





What does the research say about juvenile mental health courts?

Eligibility Criteria

Mental Health:

- Generally include all serious mental disorders and co-occurring disorder
- Exclude conduct disorder, developmental disabilities, or substance use as primary diagnosis

Offense:

- Most have some statutory exclusion such as sex offenses, gang-related offenses, and drug trafficking
- Most accept some violent offenses, even if they officially state they do not
- Few accept status offenses as the target offense

Age range: Most common age range 13-17



Source: Callahan, Cocozza, Steadman, & Tillman (2012)

Structure of JMHCs

- Partnership between juvenile court and juvenile probation
- Wider stakeholder coordination is required than with adult MHCs
- No federal funding (except planning grants) little state funding, more likely local

Structure of JMHCs

- Interdisciplinary team judge, probation, program coordinator, district attorney, defense attorney, providers
- Separate docket within juvenile court, status hearings, team meetings
- Intake multiple points of access to program
- Length of program 6 to 12M (in practice, longer)
- Dismissal/expunging of charges fewer than 50%



Incentives:

- Praise from team and others in program
- Reduced supervision
- Reduced curfew
- Rewards such as gift cards
- Placement in jobs, internships, etc.
- Earning back privileges (e.g. cell phone)



Sanctions:

- Admonishment from team and others in program
- Increased supervision hearings, drug testing, check in with probation
- Increased curfew
- Loss of privileges
- Community service
- "Homework"
- Out of home placement
- Local detention
- Regional or state detention



Research Overviewed in Today's Presentation

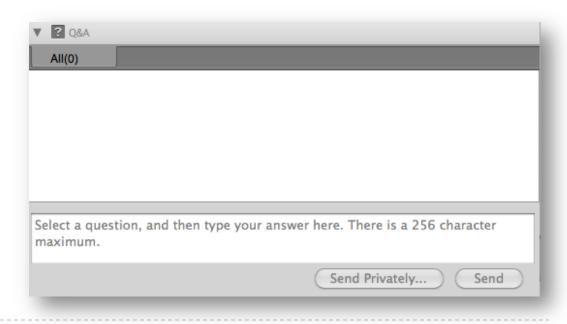
- Callahan, Cocozza, Steadman, & Tillman, "A national survey of juvenile mental health courts." *Psychiatric Services*, 63, (2012): 130-137
- Callahan, Steadman, Tillman, & Vesselinov, "A multi-site study of the use of sanctions and incentives in mental health courts." Law and Human Behavior, 37, (2013): 1-9
- Goodale, Callahan, & Steadman, "What Can We Say About Mental Health Courts Today?" Psychiatric Services, forthcoming 4/2013
- Hiday, Wales, and Ray, Effectiveness of a Short-Term Mental Health Court: Criminal Recidivism One Year Postexit, Law & Human Behavior (2013).
- Keator, Callahan, Steadman, & Vesselinov, "The Impact of Treatment on the Public Safety Outcomes of Mental Health Court Participants." American Behavioral Scientist, 57, (2013): 231-243

Research Overviewed in Today's Presentation

- Rossman, Willison, Mallik-Kane, Kim, Debus-Sherill, and Downey. Criminal Justice Interventions for Offenders with Mental Illness: Evaluation of Mental Health Courts in Bronx and Brooklyn. New York, NY: The Urban Institute, 2012.
- Steadman, Redlich, Callahan, Robbins, & Vesselinov, "Impact of mental health courts on arrests and jail days: A multi-site study." Archives of General Psychiatry, 68, (2011): 167-172
- Wales, Hiday, and Ray, Procedural Justice and the Mental Health Court Judge's Role in Reducing Recidivism, International Journal of Law & Psychiatry, 33, (2010): 265-71
- Wolff, Frueh, Huening, Shi, Epperson, Morgan and Fisher, Practice Informs the Next Generation of Behavioral Health and Criminal Justice Interventions, International Journal of Law & Psychiatry, 36, (2013): 1-10



Please type your questions into the Q&A box on the lower right hand side of the screen.



Developing a Mental Health Court: An Interdisciplinary Curriculum



Two introductory presentations to:

- Facilitate collaboration
- Provide cross-training opportunities

Eight core modules covering key concepts related to program planning, design, and sustainability, including how the "Essential Elements" of mental health courts operate in



Recent Mental Health Court Research

- Aldige Hiday, and Bradley Ray. "Effectiveness 2 Years Postexit of a Recently Established Mental Health Court." American Behavioral Scientist. 57. no. 2 (2013): 189-208.
- Canada, Kelli E., and Amy Watson. "Cause Everybody Likes to Be Treated Good: Perceptions of Procedural Justice Among Mental Health Court Participants." American Behavioral Scientist. 57. no. 2 (2013): 209-230. (
- Castellano, Ursula, and Leon Anderson. "Mental Health Courts in America: Promise and Challenges." American Behavioral Scientist. 57. no. 2 (2013): 163-173.
- Hughes, Shannon, and Terry Peak. "A Critical Perspective on the Role of Psychotropic Medications in Mental Health Courts." *American Behavioral Scientist*. 57. no. 2 (2013): 244-265.
- Keator, Karli J., Lisa Callahan, Henry J. Steadman, and Roumen Vesselinov. "The Impact of Treatment on the Public Safety Outcomes of Mental Health Court Participants." American Behavioral Scientist. 57. no. 2 (2013): 231-243.
- Trawyer, Kathi R., and Stephanie L. Rhoades. "Homesteading a Pioneer Mental Health Court: A Judicial Perspective From the Last Frontier." American Behavioral Scientist. 57. no. 2 (2013): 174-188.

CSG Justice Center's Criminal Justice/ Mental Health Consensus Project



Watch Recent Consensus Project Webinars Online

During the month of July, the Consensus Project hosted three webinars that focused on different aspects of the mental health/criminal justice intersect. At each of these events, mental health and criminal justice practitioners from across the country delivered presentations and then responded to questions from attendees during a moderated question and answer session hosted by a Council of State Governments staff member. If you were unable to attend the original webinars, or attended but would like to review the presentations again, as with all webinars hosted by the Consensus Project, these events have been archived online. (To access a list of archived webinars, click here. 2)

Grant Report Reviews Impact of Mental Health Courts

In association with the National Criminal Justice Reference Service, the National Institute of Justice has released Criminal Justice Interventions for Offenders with Mental Illness: Evaluation of Mental Health Courts in Bronx and Brooklyn. J. This study Juvenile mental health court being identifies characteristics of the Bronx and Brooklyn Mental Health Courts (MHCs) that may contribute to participants' criminal. justice outcomes, compared to the outcomes of other offenders with mental health disorders.

View More Announcements and Events

LegalTimes - Online (DC) - Study Shows D.C. Community Court Program Lowered Reoffending Rates

KUOW News (WA) - New Mental Health Crisis Facility To Serve King County

Cheboygan Daily Tribune (Mi) considered

The Portland Press Herold (ME) - If someone's on the brink, he's there to talk them down

View More Media Clips



- Sign up for the monthly CP newsletter to receive news about upcoming distance learning and funding opportunities.
- The Consensus Project is continually updating its website with materials relevant to the CJ and MH fields.
- consensusproject.org

Thank you!

For additional information, please contact:

Hallie Fader-Towe Program Director, Courts hfader@csg.org jr

Jessica Myers Program Associate jmyers@csg.org

The webinar recording and PowerPoint presentation will be available on <u>www.consensusproject.org</u> within a few days.

This material was developed by the presenters for this webinar. Presentations are not externally reviewed for form or content and as such, the statements within reflect the views of the authors and should not be considered the official position of the Bureau of Justice Assistance, Justice Center, the members of the Council of State Governments, or funding agencies supporting the work.

JUSTICE CENTER THE COUNCIL OF STATE GOVERNMENTS Collaborative Approaches to Public Safety