



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

Criminal Court Case Processing Learning Collaborative

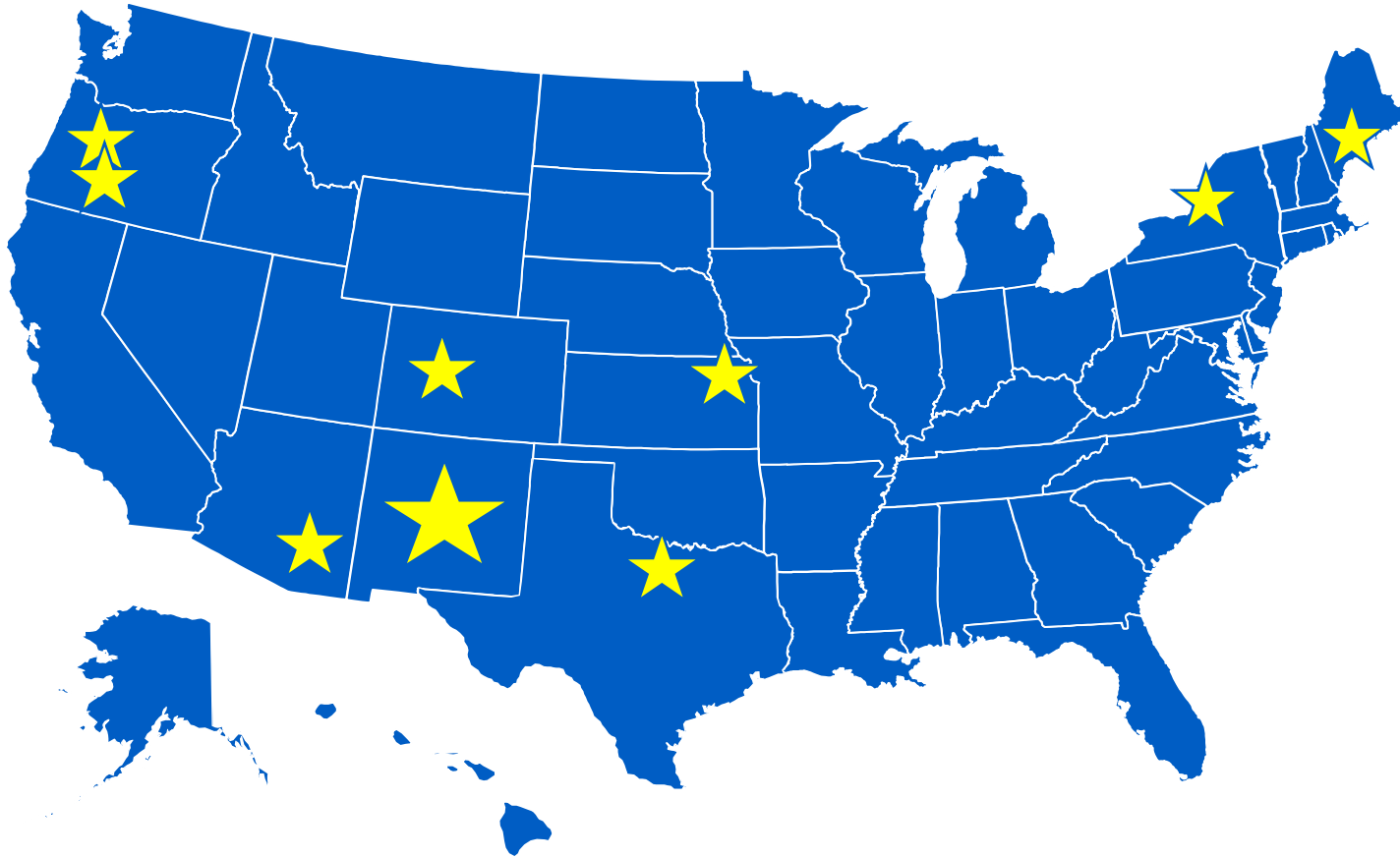
**Caseflow Processing for Defendants
with Behavioral Health Needs:
Challenges and Principles**

07/31/2020 | Session 1

Session 1 Agenda

- I. Welcome and Introductions
- II. Using Best Practices and Case Processing Principles to Inform Responses for Persons with Behavioral Health Needs
- III. Team-Based Discussion
- IV. Questions and Preparing for Next Two Sessions

Welcome and Introductions



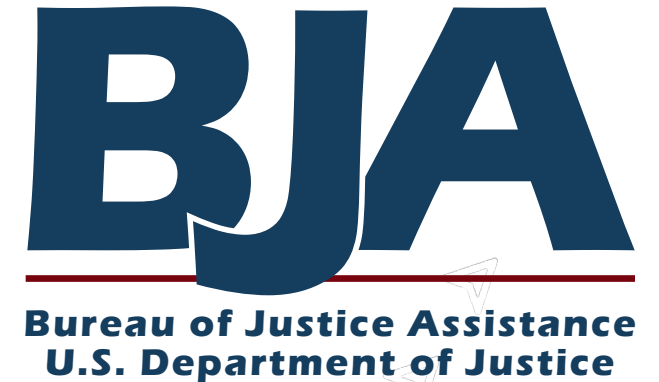
- Pima County, AZ
- Lake County, CO
- Douglas County, KS
- Cumberland County, ME
- Multiple sites in NM, coordinated through the State Administrative Office of the Courts
- Lockport, NY (municipal court)
- Beaverton, OR (municipal court)
- Marion County, OR
- Tarrant County, TX

Justice and Mental Health Collaboration Program

The Justice and Mental Health Collaboration Program (JMHCPC) supports cross-system collaboration to improve public safety responses and outcomes for individuals with mental illnesses (MI) or co-occurring mental illness and substance abuse (CMISA) who come into contact with the justice system.

The U.S. Department of Justice Bureau of Justice Assistance

Mission: BJA provides leadership and assistance to local criminal justice programs that improve and reinforce the nation's criminal justice system. BJA's goals are to reduce and prevent crime, violence, and drug abuse and to improve the way in which the criminal justice system functions. In order to achieve such goals, BJA programs illustrate the coordination and cooperation of local, state, and federal governments. BJA works closely with programs that bolster law enforcement operations, expand drug courts, and provide benefits to safety officers.



Visit the [BJA website](#) to learn more.

NCSC Introduction of Key Concepts

Coordinated Court and Community Responses

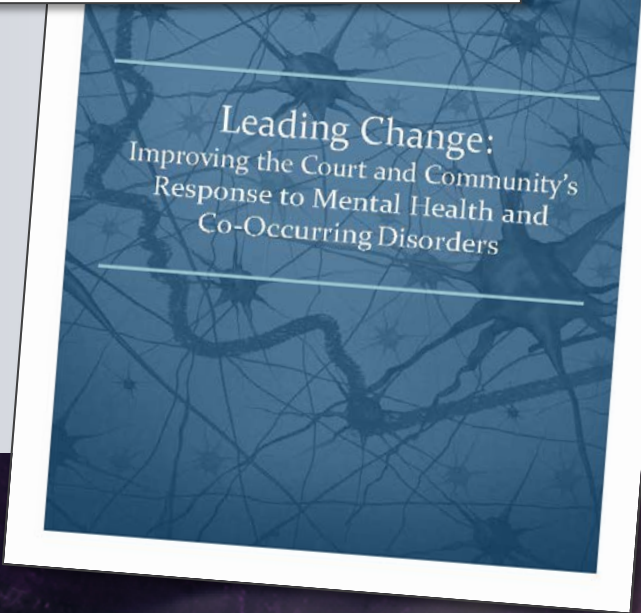
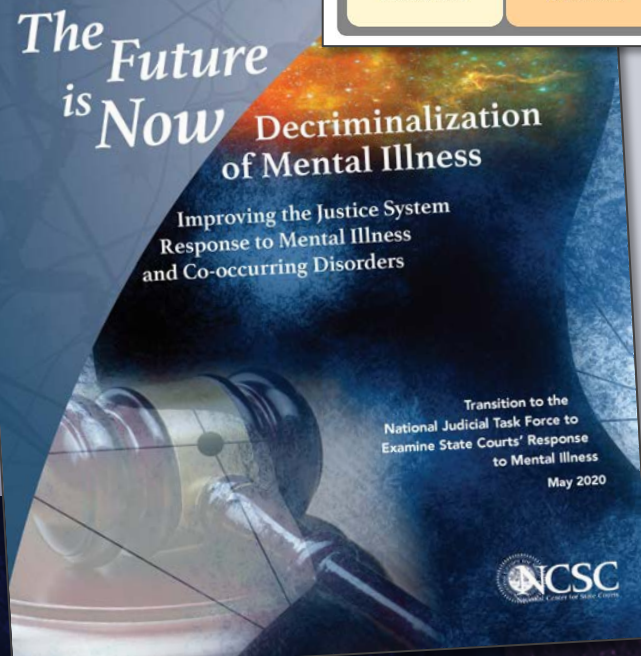
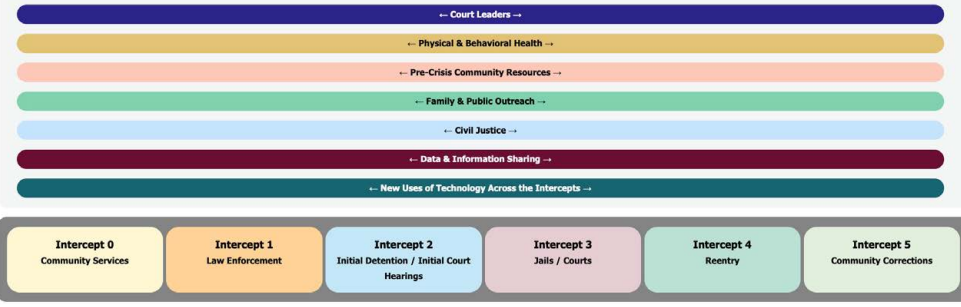
In order to address mental health needs in your community, certain court and community responses must be developed early on. The best practices recommended on this website build the foundation for improving the court and community responses to mental health and co-occurring disorders.

The most effective approach is to design responses that are regularly engaged in by community collaborators. The resources on this webpage build on the [Sequential Intercept Model \(SIM\)](#), which identifies appropriate responses at particular intercepts that can keep an individual from continuing to penetrate the criminal justice system. Additionally, effective court and community responses require interventions prior to engagement in the criminal justice system.

This website highlights several additional areas of focus that, if engaged in proactively, can create necessary support structures and prevent justice system involvement for those with mental health disorders. These additional practices address physical and behavioral health needs, pre-crisis community resources, family and public outreach, civil justice needs, and data and information sharing.

Finally, meaningful system change requires leadership. Courts, and judges in particular, are in a unique position to convene stakeholders and to lead such a group to consensus and action. This website begins with leading change resources specifically designed for judges.


Every community will be at a different place with each of these practices. As you look through the various recommendations, consider your own community and the best way to use these tools to build a structure of support for mental health issues within it. Your community may require additional practices or approaches not listed below.





Caseflow Management Challenges...

Yikes!



Caseflow Management Principles The Basics

- Case disposition time standards
- Early court intervention and continuous court control of case progress
- Use of differentiated case management
- Meaningful pretrial events and schedules
- Limiting of continuances
- Effecting calendaring and docketing practices
- Use of information systems to monitor age and status of cases
- Control of post-disposition case events



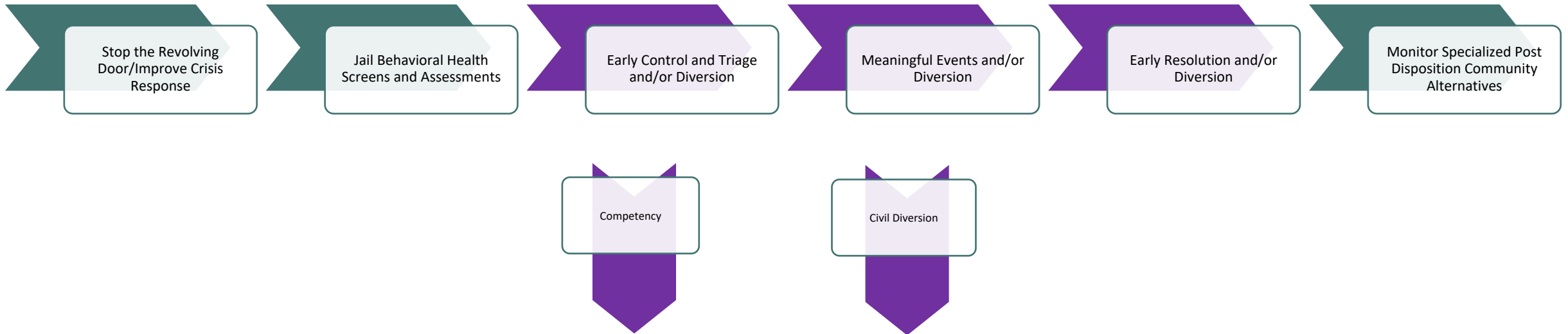
Caseflow Management

New Principles are Needed to Address **Today's Challenges**

- Behavioral Health Crisis
- Pandemic Challenges and Opportunities
- Racial Injustice

Community and Court Caseflow Management for Persons with Behavioral Health Needs

Person-Centered Responses



Coordinated Court and Community Responses

Coordinated Court and Community Responses

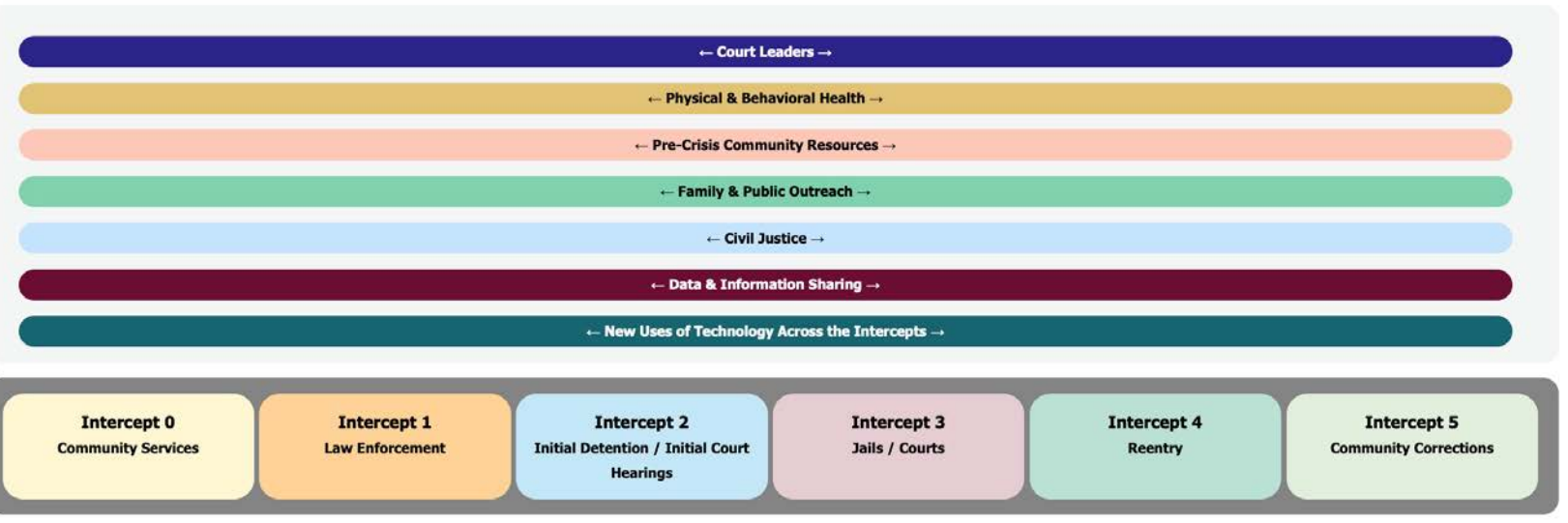
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Every community will be at a different place with each of these practices. As you look through the various recommendations, consider your own community and the best way to use these tools to build a structure of support for mental health issues within it. Your community may require additional practices or approaches not listed below.






Caseflow Management

Key Elements to Meet Today's Challenges

- Court Organization
- Human Resources
- Technology
- Community Support
- Collaboration and Innovation
- Accountability
- Problem-Solving Approach
- Procedural Fairness



Caseflow Management Principles

High Performing Court Principles

- Giving each case individual attention
- Treating cases proportionately
- Demonstrating Procedural Justice
- Exercising judicial control of the legal process


Procedural Justice

A View from the Other Side of the Bench

Why do we care?

Implementation of Procedural Justice principles have been empirically shown to:

- Increase compliance with judicial orders
- Increase court user perceptions of judges
- Increase general compliance with the law
- Enhance public trust and confidence in the judiciary



Principles of Procedural Justice

- **Respect** – The perception that the judge and other court actors treat them with dignity
- **Voice** – The perception that they have an opportunity to be heard
- **Neutrality/Trust** – The perception that decisions are made without bias, fairly



Procedural Justice

Specific Suggestions

- Courthouse
 - Respectful Security Screening
 - Helpful Signage
 - Information Desks
 - Feedback Opportunities
- In Court
 - Post clear rules (phones, attire, etc.)
 - Introduce yourself
 - Explain late starts
 - Explain the order of cases
 - Greet all parties neutrally
 - Explain unusual things
 - Explain the process
 - Acknowledge stress, in custodies, victims
 - Use plain language
 - Make eye contact
 - Be heard
 - Explain sidebars
 - Actively and attentively listen
 - Make next steps clear, as well as future dates
 - Ask if the next date works for them

Where We Are, Where We Wish to Go (20 min)

- 1. During the pandemic, how has your court been processing criminal cases? What have been the changes?*
- 2. What is one innovation that you can share with the group?**
- 3. In the coming months, what do you anticipate will be your main priority and challenges processing criminal cases involving persons with behavioral health needs? **
- 4. What are your team's goals for participation in this learning collaborative?**

** Answers to share during report in*

Where We Are (30 min)

- 1. What is one innovation that you can share with the group?**
- 2. In the coming months, what do you anticipate will be your main priority and challenges processing criminal cases involving persons with behavioral health needs? **

Where We Wish to Go

*What are your team's goals for participation in this learning collaborative?**

Preparing for Upcoming Sessions

- Session 2: Restarting Court Operations and Addressing Case Backlog- August 27, 2020
- Session 3: Improving Caseflow for Defendants with Behavioral Health Needs Going Forward – September 24, 2020

Resources

Sign Up for Behavioral Health Alerts

<https://www.ncsc.org/publications-and-library/newsletters>

The Sequential Intercept Model

<https://www.prainc.com/wp-content/uploads/2017/08/SIM-Brochure-Redesign0824.pdf>

The Future is Now: Decriminalization of Mental Illness

https://www.ncsc.org/_data/assets/pdf_file/0019/41653/Future_is_Now_Final_rev.pdf

Leading Change: Improving the Court and Community's Response to Mental Health and Co-Occurring Disorders (Leading Change Guide)

https://www.ncsc.org/_data/assets/pdf_file/0024/36492/Leading_Change_Guide_Final_4.27.20.pdf

Coordinated Court and Community Responses

<http://apps.ncsc.org/MHBB/>

Behavioral Health Diversion Interventions: Moving from Individual Programs to a Systems-Wide Strategy

<https://csgjusticecenter.org/publications/behavioral-health-diversion-interventions-moving-from-individual-programs-to-a-systems-wide-strategy/>

Diversion 101: Using the “What Works” Research to Determine Who Should Be Considered for Diversion

<https://cepp.com/wp-content/uploads/2019/10/Diversion-101-Using-the-What-Works-Research-to-Determine-Who-Should-Be-Considered-for-Diversion.pdf>

Multnomah County, Oregon Centralized Docket Case Study

<https://multco.us/file/75791/download>

County of Los Angeles-Department of Mental Health Mental Health Court Linkage Program

https://www.courts.ca.gov/documents/LosAngeles-MentalHealthCourtLinkage-ProgramDescriptions_ikc.pdf

Providing Court-Connected Behavioral Health Services During a Pandemic: Remote technology Solutions

https://www.ncsc.org/_data/assets/pdf_file/0014/42314/Behavioral-Health-Resources.pdf

Thank You!

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For more information please contact Katie Herman at
kherman@csg.org

The presentation was developed by members of The Council of State Governments Justice Center staff. The statements made reflect the views of the authors, and should not be considered the official position of The Council of State Governments Justice Center, the members of The Council of State Governments, or the funding agency supporting the work.

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