

Issue Brief



State and County Collaboration: Mental Health and the Criminal Justice System

December 2008

NACO *National Association of Counties*

The Voice of America's Counties

Issue Brief

State and County Collaboration: Mental Health and the Criminal Justice System



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About NACO – The Voice of America's Counties

The National Association of Counties (NACO) is the only national organization that represents county governments in the United States. Founded in 1935, NACO provides essential services to the nation's 3,066 counties. NACO advances issues with a unified voice before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money. For more information about NACO, visit www.naco.org.

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Introduction

There is a disproportionate number of individuals with mental illness in the criminal justice system today, representing a mental health and criminal justice crisis that must be approached collaboratively. According to a 2006 Bureau of Justice Statistics report, more than half of all prison and jail inmates have a mental health problem.¹ Sixty-four percent of jail inmates are estimated to have a mental health problem compared to 56 percent of state prisoners (Figure 1). According to this same report, a quarter of both state and jail inmates who have a mental health problem have been incarcerated three or more times previously. This indicates that many of the individuals who are mentally ill in corrections today recidivate, which illustrates the difficulty and necessity of treating this population.

The criminal justice system has become increasingly overwhelmed with offenders who are mentally ill in the past decade due to deinstitutionalization which resulted in the release of thousands from psychiatric facilities. On account of this influx back into the community, many come into contact with the criminal justice system due to actions which are a result of their mental illness. Many end up being criminalized instead of receiving the treatment they need. Although this population can be best served with community-based treatment and services, the criminal justice system has been forced to care for individuals with mental illness despite often being ill-equipped to do so properly.²

Those who have mental health problems are often unable to access adequate services in the community. This may be due to lack of knowledge regarding available services, lack of funds, or a lack of capacity to access services. While the purpose of the criminal justice system is not to house individuals who are mentally ill, the high population of offenders with mental health needs represents an opportunity to provide access to treatment and other needed services. This requires a collaborative effort not only between the mental health and criminal justice systems, but ideally between levels of government. This special population of offenders with mental health needs requires a continuum of care in order to break the cycle of the revolving

door of the criminal justice system.³ In order to accomplish the goals of treatment and public safety through reduced recidivism, coordination between organizations and levels of government are required.

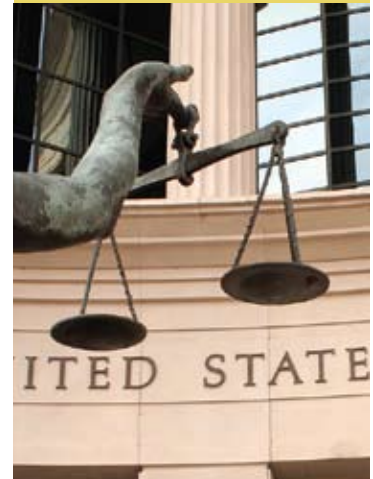
Since jails are locally operated facilities and prisons are maintained by the state, collaboration and coordination of services are necessary and have many benefits.⁴ Continuing to jail and imprison individuals who are mentally ill is expensive. In 2005, local governments spent over \$100 billion in corrections expenditures, while states spent about \$60 billion (Figure 2). Coordination of resources represents opportunities for states and county governments to save money by reducing the amount of overlapping services. Collaboration also represents an opportunity among various organizations to combine services to allow for a continuum of care at all levels.⁵

Many state and county governments have begun to recognize the advantages of collaboration. The three states and local communities featured in this Issue Brief represent a range of collaborative efforts, including legislative efforts, a state-funded grant program with county-matched dollars, committee membership, and joint programming. All have made state and county collaborative efforts to reduce costs and improve public safety, programming, and the lives of offenders with mental health needs.

3 National Institute of Justice. 1999. Coordinating Community Services for Mentally Ill Offenders: Maryland's Community Criminal Justice Treatment Program, NCJ 175046.

4 Bureau of Justice Statistics. 2006. Special Report on Mental Health Problems of Prison and Jail Inmates.

5 National Institute of Justice. 1999. Coordinating Community Services for Mentally Ill Offenders: Maryland's Community Criminal Justice Treatment Program, NCJ 175046.



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1 Bureau of Justice Statistics. 2006. Special Report on Mental Health Problems of Prison and Jail Inmates.

2 Bell, Maureen. "Facilitating Collaboration Between Correctional and Mental Health Systems." *Corrections Today* (2003). http://findarticles.com/p/articles/mi_hb6399/is_/_ai_n29062379.

Florida and the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program

Collaboration Through Legislation and a Grant Program

Florida has developed state and county collaboration through state legislation to create a grant program for local communities. Florida House Bill 1477 was approved by the Governor on June 19, 2007 and became effective July 1, 2007.¹ This bill created the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Act and Grant Program within the Department of Children and Family Services (Figure 3). The purpose of the Reinvestment Grant Program is to provide funding to counties for programs that increase public safety by reducing recidivism, avoiding overspending on corrections by reducing the need for these services, and improving the success of treatment services. These programs focus on both juvenile and adult populations who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorder. Individuals engaged in these initiatives are currently involved in the criminal justice system or are at risk of being so.²

Counties achieve these goals by receiving funding for a 1-year planning or 3-year implementation or expansion grant. The maximum grant award for a planning grant is \$100,000, while the maximum grant award for the implementation or expansion grant is \$1,000,000. This program is unique; the Act stipulates that in order for counties to receive state funding through this grant, they must commit to matching the funds dollar for dollar. The only exception lies with counties that are deemed “fiscally constrained;” those counties are obligated to a 50 percent match of state funds.³ This program is significant because it begins a county and state collaboration through legislation and blended funding. The program encourages partnerships among the state and counties to address both juvenile and adult substance abuse and mental health needs.

As a result of HB 1477, 23 Florida counties have received grants from the state totaling roughly \$9.6 million. Counties have matched these funds with a total of about \$12.6 million for a grand total of around \$22.2 million. All of the funds are focused on diverting those with substance abuse issues, mental health needs, or both (Figure 4). The state and county collaboration is not complete upon disbursement of funds to the counties. Per the passing of HB 1477, a Criminal Justice, Mental Health and Substance Abuse Policy Council has been created within the Florida Substance Abuse and Mental Health Corporation. This council works with counties that

have received grant awards and identifies those which have planned, implemented, or expanded effective strategies for system change and reduced both recidivism and corrections costs. The council is tasked with disseminating this information throughout the state in order to increase awareness of effective strategies, thereby continuing the state and local collaboration.⁴ For more information, please visit www.samhcorp.org/home.htm.

Utah and the Salt Lake County Criminal Justice Advisory Council (CJAC)

Collaboration Through Committees

Located in Utah, the Salt Lake County Criminal Justice Advisory Council (CJAC) was created as part of Salt Lake County’s Criminal Justice Services Division. Although the group has become more formalized in the last seven years, CJAC was created over 15 years ago. The purpose of CJAC is to provide a venue for stakeholders at all levels to come together regarding criminal justice services and system change. CJAC is a leader in state and county collaboration through the mixed membership of the Council, as well as the mixed membership of their subcommittee, Span. Monthly meetings provide an opportunity to assess the criminal justice programs the group oversees and in turn recommend any changes. The 25 members of CJAC represent agencies and organizations at all levels, including city, county, and state.⁵ Membership includes individuals from the following diverse agencies:⁶

- Law Enforcement Administrators and Directors
- Midvale City
- Salt Lake City Justice Court
- Salt Lake City Police Department
- Salt Lake City Prosecutor’s Office
- Salt Lake County Criminal Justice Services
- Salt Lake County District Attorney’s Office
- Salt Lake County Human Services
- Salt Lake County Justice Court
- Salt Lake County Mental Health
- Salt Lake County Sheriff’s Office
- Salt Lake County Substance Abuse Services
- Salt Lake County Third District Court
- Salt Lake County Third District Juvenile Court
- Salt Lake Legal Defenders Association

1 Florida House of Representatives. 2007. CS/CS/HB 1477- Forensic Mental Health. www.myfloridahouse.gov/SECTIONS/Bills/billsdetail.aspx?BillId=36628.

2 Florida Substance Abuse and Mental Health Corporation. Press Release. www.samhcorp.org/pdf/News_Release_08-07-07.pdf

3 Florida Substance Abuse and Mental Health Corporation. Fact Sheet. www.samhcorp.org/pdf/Program_Fact_Sheet.pdf

4 Piekalkiewicz, Ellen. “Presentation on the CJMHSA Grant.” Florida Substance Abuse and Mental Health Corporation. www.samhcorp.org/RFA

5 Salt Lake County Criminal Justice Advisory Council Membership. 2008. www.cjac.slco.org/doctopdf/CJAC_Membership.pdf

6 Salt Lake County Criminal Justice Advisory Council Agencies and Members. 2008. www.cjac.slco.org/html/agencies.html

- Statewide Association of Prosecutors
- Taylorsville City Police Department
- Utah State House of Representatives
- Utah State Senate
- West Valley Justice Court

CJAC also has a subcommittee called the Span committee. The Span committee oversees additional programs including several that receive both county and state funding. The programs the Span committee oversees with blended funding are the expansion of the Third District Mental Health Court, the RIO Housing program, and specialized probation and parole for mental health cases. Span committee membership continues the collaboration exemplified by CJAC. Span committee members include individuals from ten county agencies, one federal agency, two city agencies, and three state agencies including the Utah Division of Substance Abuse and Mental Health. The collaborative nature of this subcommittee allows for information sharing among all stakeholders working with individuals who are mentally ill in the criminal justice system. This information sharing allows stakeholders to streamline resources, share ideas, and avoid overlapping resources. For more information, please visit www.cjac.slco.org.

Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) and Harris County

Collaboration Through Joint Programming

In 1987, Texas established the Texas Council on Offenders with Mental Impairments (TCOMI). Through legislation, Texas has been able to create a system that addresses all aspects of the juvenile and adult criminal justice systems for those with special needs. The Texas Legislature has recently exhibited its commitment to improving the criminal justice system by reauthorizing a \$35 million dollar package for criminal justice and mental health collaboration and programs. The legislature furthermore changed the name of TCOMI to the Texas Correctional Office on Offenders with Medical or Mental Impairments, otherwise known as TCOOMMI.⁷

TCOOMMI is involved in important work in the criminal justice and mental health realm. TCOOMMI has studied the current mental health screening practices in Texas jails, it has established a statewide data network to identify current and former offenders with mental health needs, established a 60 day bed residential program for probationers with mental health needs, and expanded their jail diversion program to three ad-

ditional counties.⁸ TCOOMMI has also been working closely with Harris County to establish a community-based competency restoration pilot. It is this program that truly demonstrates TCOOMMI's commitment to state and county collaboration for offenders with mental health needs.

In 2003, the Rusk Diversion Project was created by TCOOMMI in partnership with Harris County Mental Health and Mental Retardation Authority (MHMRA), the Harris County Sheriff, and the Courts. The Harris County Rusk Diversion Project (Figure 5) is a community-based competency restoration project that was created to address the financial burden of committing incompetent defendants to the state hospital for restoration of competency. In the past, defendants who signified a mental health issue during their first court appearance were automatically sent for a competency evaluation at the state hospital. The cost of transporting individuals to the state hospital is high and oftentimes unnecessary. Several studies indicate that the majority of offenders who are mentally ill transferred to the state hospital were actually not in need of restoration.⁹

Instead of automatically being sent for a lengthy hospital stay, defendants are currently referred for psychiatric stabilization through this diversion project. A psychiatric review is completed at the first appearance in court if there is any question regarding mental stability. Each individual that is referred for a psychiatric evaluation is screened and sent to a psychiatrist, who then follows up with a re-evaluation 14 days after the initial treatment.

The goal of the project is to reduce the cost of lengthy hospital stays by aiming to identify defendants who can be restored to competency while remaining at the jail. Reducing transportation costs is not the only goal of the Rusk Diversion Project; another goal is to provide local treatment, thereby making family visitation more likely. Educating officers for the purpose of early identification and managing of offenders with mental health needs are additional goals of the program, as well as providing information to the courts regarding mental health conditions of inmates for the purpose of assisting with release and detention decisions. This information, combined with the continuous collaboration of the criminal justice and mental health systems, allows for the option of interventions to break the cycle of incarceration for this population.

There have been several program outcomes:¹⁰

- 74 percent (419) of defendants were served by the competency restoration project and diverted from state hospital commitments.
- The disposition of cases occurred faster due to the shorter amount of time defendants spent in the Rusk Diversion

⁸ Texas Department of Criminal Justice. 2005. The Biennial Report of the Texas Correctional Office on Offenders with Medical and Mental Impairments.

⁹ Texas Department of Criminal Justice. 2005. The Biennial Report of the Texas Correctional Office on Offenders with Medical and Mental Impairments.

¹⁰ Texas Department of Criminal Justice. 2005. The Biennial Report of the Texas Correctional Office on Offenders with Medical and Mental Impairments.

⁷ Texas Department of Criminal Justice. 2005. The Biennial Report of the Texas Correctional Office on Offenders with Medical and Mental Impairments.

Project compared to the length of a state hospital commitment.

- Costs to the Sheriff's Department were reduced due to the decrease in state hospital admissions.

These program outcomes suggest that many offenders with mental health needs are being diverted from unnecessary lengthy hospital stays. This not only reduces costs, but cases are processed in a more timely manner as the defendants are able to stand trial earlier than if they had been admitted to the

state hospital. The diversion program also allows for local treatment so family members can continue to be supportive and physically present in the offenders' lives. The money saved with this program can also be reinvested back into the criminal justice system by being applied to other mental health diversion programs or treatment services offered in the jail. Look for the 2009 Biennial Report for additional information on the state and county collaboration of Harris County's and TCOOMMI's Rusk Diversion Project. For more information, please visit www.tdcj.state.tx.us.

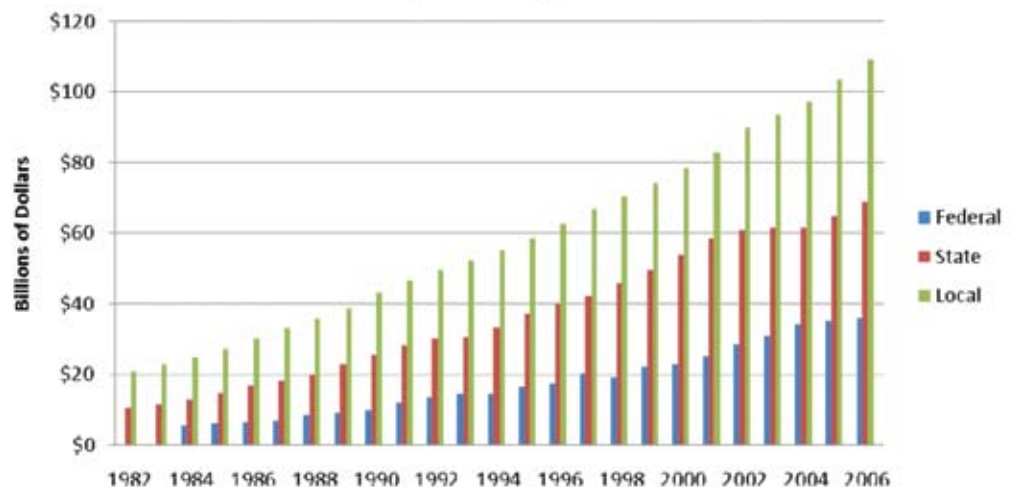
■ Figures

Figure 1: Percent of Inmates in Prisons or Jails Who Have a Mental Health Problem

Mental Health Problem	State Prison	Federal Prison	Local Jail
Any mental health problem	56	45	64
Recent history	24	14	21
Symptoms	49	40	60

Source: Bureau of Justice Statistics. 2006. Special Report on Mental Health Problems of Prison and Jail Inmates.

Figure 2: Criminal Justice Expenditures by Level of Government



Source: Bureau of Justice Statistics. 2008. *Justice Expenditure and Employment Extracts*.

Figure 3: Results of the Creation of the Reinvestment Grant Program

- Requires Florida Substance Abuse and Mental Health Corporation to establish a statewide grant review committee;
- Authorizes counties to apply for a planning grant or an implementation or expansion grant;
- Creates the Criminal Justice, Mental Health and Substance Abuse Technical Assistance Center at the Florida Mental Health Institute, University of South Florida and;
- Creates the Criminal Justice, Mental Health and substance Abuse Policy Council within the Florida Substance Abuse and Mental Health Corporation

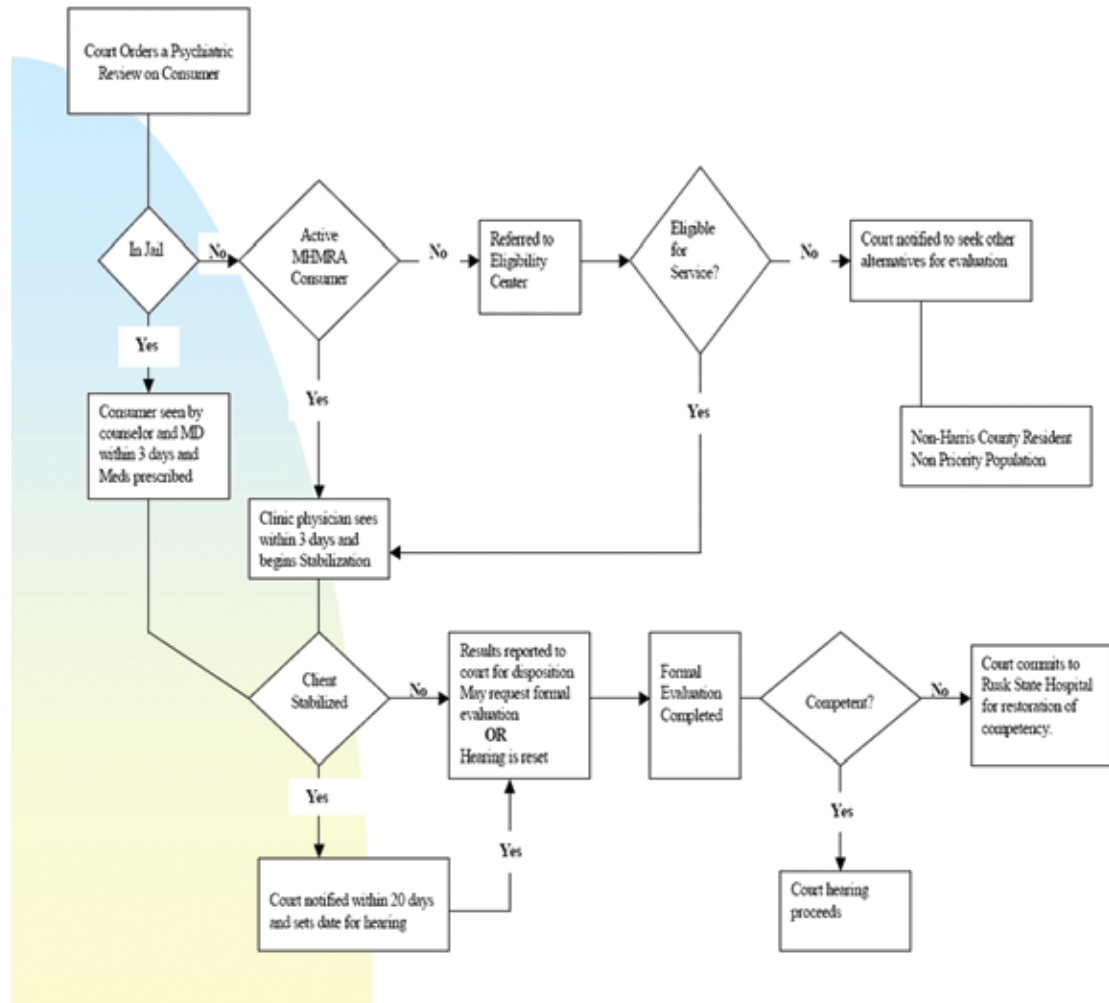
Source: Florida Substance Abuse and Mental Health Corporation. Fact Sheet. www.samhcorp.org/pdf/Program_Fact_Sheet.pdf

Figure 4: Grant Allocations and Matching Funds in Florida as of August 26, 2008

County	Amount Awarded by the State	Matched Dollars from the County
Alachua	\$999,000	\$999,000
Broward	\$991,368	\$991,368
Charlotte	\$60,190	\$60,190
Citrus	\$50,166	\$50,166
Duval	\$91,200	\$93,319
Flagler	\$40,447	\$23,061
Hillsborough	\$999,999	\$1,000,000
Lake	\$60,000	\$60,000
Lee	\$997,698	\$2,030,473
Leon	\$792,624	\$890,469
Marion	\$59,000	\$68,587
Martin	\$100,000	\$100,000
Miami- Dade	\$999,000	\$999,000
Monroe	\$92,568	\$92,568
Nassau	\$225,000	\$225,000
Orange	\$954,663	\$2,476,788
Osceola	\$87,500	\$87,500
Palm Beach	\$100,000	\$100,000
Pinellas	\$117,419	\$117,419
Polk	\$980,706	\$1,021,530
St. Lucie	\$688,576	\$1,087,929
Sumter	\$50,000	\$25,000
Volusia	\$65,300	\$65,408
Totals	\$9,602,424	\$12,664,775

Source: Florida Substance Abuse and Mental Health Corporation. 2008. Cost Comparison by County. www.samhcorp.org/RFA

Figure 5: Diagram of the Risk Diversion Project



Source: Texas Department of Criminal Justice. 2005. *The Biennial Report of the Texas Correctional Office on Offenders with Medical and Mental Impairments*.