

Mental Health in the Court System



1919 University Avenue West, Suite 400, St. Paul, MN 55114 Tel. 651-645-2948 or 888-NAMIHELPS www.namimn.org

January 25, 2021

Chair Becker-Finn and Members of the House Judiciary Finance and Civil Law Committee:

Minnesota's mental health system isn't broken – it was never built. While we make important advancements every year at the legislature, too many Minnesotans still cannot get the care they need when they need it – and too often the only response left is the criminal justice system. As we continue to build our system, the court system must prioritize partnerships with the mental health system and improving its response to people with mental illnesses.

Treatment Courts: Treatment courts are one important way to divert people from incarceration. Mental health courts, in particular, handle a variety of charges, including felonies, and connect people to treatment for better outcomes for everyone in our communities. However, access to these courts is very limited. We have heard first-hand stories from NAMI members where people were not allowed in a treatment court because their residence was in a different county than where the arrest took place, or vice versa. Someone with a co-occurring mental illness and substance use disorder wasn't allowed to participate in a drug court because of the mental illness.

There are currently four mental health courts in Minnesota: Hennepin, Ramsey, Northern St. Louis, and Southern St. Louis County. Districts already have standards for operating problem-solving courts, so adding mental health would not be difficult – if resources were available. We believe the legislature should examine how to fund and operate more mental health courts, both to increase cost-savings and to serve people with mental illnesses in the best way possible.

Competency and Restorative Courts: In 2019, the Legislature enacted the Community Competency Restoration Task Force to address the rising number of people found incompetent to stand trial. Incompetence findings rose 73% from 2014-2018, and spending rose 40% - topping off at \$6 million in 2018 for forensic examinations alone. The task force's final report is due February 1st, and it provides important recommendations developed by the 25 task force members representing law enforcement, jail administrators, counties, courts, corrections, and the mental health community.

NAMI has been heavily involved in the work of the task force and supports recommendations to create competency and restorative courts. Competency courts consolidate all incompetency cases to one docket, saving resources and improving quality through consistency and experience of the court officials. Restorative courts can provide an alternative to traditionally punitive responses to first time, low-level charges, and support people in meaningful community engagement that reduces recidivism. We are grateful for your committee's attention to improve the court system for people with mental illnesses and we'd be glad to discuss these issues further with you.

Sincerely,

Sue Abderholden, MPH
Executive Director

Elliot Butay
Criminal Justice Coordinator