

Mental Health & Criminal Justice Response



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Members of the House Judiciary Finance and Civil Law Committee:

Our mental health system isn't broken – it was never built. Discriminatory public policies and lack of funding are to blame. With one in five adults experiencing a mental illness every year, and less than 50% receiving treatment, people all too often end up in the criminal justice system.

Instead of having a fully funded mental health crisis team dispatched by 911 operators, law enforcement is sent out and people are arrested instead of brought to treatment. Many can and should be diverted, and the judiciary has an essential role in decriminalizing mental illnesses.

Treatment Courts: Access to treatment courts can play an important role in diverting people from the criminal justice system and connecting them to the treatment they need to create better outcomes for everyone in our community. However, access, particularly to mental health courts is very limited. We have heard first-hand stories from our members where people were not allowed to participate 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 disorder (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. These courts are funded by the Department of Human Services and some federal grants. Districts already know how to operate 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 continue to serve people with serious mental illnesses in the best way possible.

Community Competency Restoration: The number of individuals found incompetent to stand trial has risen year over year since 2015. This rise is causing costly back-ups in both the court system and the mental health system. In 2019 NAMI advocated for the creation of the Community Competency Restoration Task Force to address this issue.

The interim report of the task force was released in February and provides an overview of the nature of the problem. The broad goals of the task force recommendations will involve increasing prevention and diversion, decreasing the time people spend in the court system, and providing competency education in the community to ease the pressure on state operated services and serve people in the least restrictive environment. NAMI has been heavily involved in the work of the task force and will be advocating for the recommendations of the task force in the 2021 session. Even with the budget deficit, Minnesotans cannot afford to ignore the people for whom justice is denied either by languishing in a jail while remaining incompetent to stand trial or being unable to access necessary treatment to begin the road to recovery.

Criminal Justice Reform: NAMI Minnesota supports other efforts to decrease the time people spend in the court system and increase equity through policies such as bail reform and examining fines and fees and through providing assessment of people who screen positive for mental health issues when entering the jail. The impact of even a short stay in jail can be detrimental to anyone's mental health, but for those with serious mental illnesses the interruption in treatment and

stability can have an even greater negative impact. We are grateful to the committee for examining ways to address these issues. Please reach out with any questions, we are happy to discuss these issues further and we look forward to working together.

Sincerely,

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