

# JUDGES' CRIMINAL JUSTICE/MENTAL HEALTH LEADERSHIP INITIATIVE

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## Chief Justices' Leadership Initiative to Add New States

The Council of State Governments Justice Center has issued a request for applications from state supreme court chief justices interested in establishing a statewide task force that will work to improve outcomes for people with mental illnesses involved in the criminal justice system.

Through this project, the Chief Justices' Criminal Justice / Mental Health Leadership Initiative, selected chief justices will receive technical assistance and a small amount of funding support to assist them in convening a collaborative, bipartisan group of state leaders to address criminal justice/mental health issues. Technical assistance will be provided by the Justice Center, with help from the CMHS National GAINS Center.

As states continue to struggle with a rising number of people with mental illness entering the criminal justice system, chief justices can play a critical role in bringing together different state agencies and branches of government to develop a strategic plan around this issue. Last year, seven chief justices participated in the initiative, from California, Florida, Georgia, Missouri, Nevada, Texas, and Vermont. The chief justice task forces convened in these states have succeeded in raising the visibility of criminal justice/mental health issues, and many have already had a significant impact on state policy.

This initiative is part of the larger Judges' Criminal Justice/Mental Health Leadership Initiative (JLI), which provides resources to judges interested in spearheading efforts to improve the criminal justice response to people with mental illnesses. The Advisory Group that guides the JLI will review applications received (which must be submitted by chief justices or on their behalf) and will help identify three to four states to participate. This project is made possible by funding support from the JEHT Foundation and Conrad N. Hilton Foundation.

The project overview and solicitation are available on the Consensus Project website (<http://www.consensusproject.org>) and applications must be submitted to Lauren

Almquist ([lalmquist@csg.org](mailto:lalmquist@csg.org); fax: 212-482-2344) by July 11, 2008. For more details, contact Lauren Almquist at 646-383-5743. ■

### Message from the Co-Chairs

At the Judges' Leadership Initiative (JLI) meeting held March 19, 2008, during the CMHS National GAINS Center Conference, Justice Evelyn Stratton, of the Ohio Supreme Court, announced the end of her term as co-chair of the JLI Advisory Group. Justice Stratton has served as co-chair since the inception of the JLI and we wish to thank her for her inspired leadership and enthusiasm for the project. Justice Stratton has served as the model for how judges can champion mental health issues, and she will continue as an involved and valued member of the JLI Advisory Group.

Over 50 judges from around the country attended the JLI meeting. The group reviewed the accomplishments of the task forces that participated in the Chief Justices' Initiative and brainstormed about potential new JLI projects for the coming year. Judicial participation at the GAINS Conference was exceptional with over 25 mental health court or court related diversion presentations in the conference program.

The current issue of the JLI Newsletter highlights two important matter of interest to our colleagues.

First, the Council of State Governments Justice Center has issued a request for applications (RFA) from state supreme court justices to establish a task force to address criminal justice/mental health issues in their states. The first round of this initiative illustrated how effective chief justice-led efforts can be in improving statewide collaboration around these issues. We encourage you to express interest in your state's participation to your chief justice and state court administrator.

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*Inside This Issue ... Working with Justice-Involved Veterans with Combat-Related Mental Illness and Trauma*

<http://consensusproject.org/JLI>

## Working with Justice-Involved Veterans with Combat-Related Mental Illness and Trauma

On any given day, veterans account for nine out of every hundred individuals incarcerated in the nation's jails and prisons. Although there is no significant overrepresentation of veterans in the justice system, the unmet service needs among incarcerated veterans are of concern to practitioners and policymakers alike.

A study by McGuire and colleagues (2003) of veterans in the Los Angeles County jail assessed for service needs by outreach workers found one-third had a mental illness. Two-thirds of those with a mental illness had a co-occurring substance use disorder.

Housing and employment were also significant issues: one-fifth had experienced long term homelessness, while only 15 percent had maintained some form of employment in the three years prior to their current jail stay.

Although veterans of Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) are a small but growing proportion of incarcerated veterans, the prevalence of combat stress, trauma, and depression among returning and demobilized service members, especially those who served in the National Guard and Reserves, is alarming. Moreover, the Commission on the National Guard and Reserves, in a 2008 report to Congress, identified a number of stressors faced post-deployment by Reserve component service members: living in communities remote from bases

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Second, headlines about justice involvement of service members returning from Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) are present in almost every state. In addition, a significant number of Vietnam War and Gulf War veterans continue to be involved with the criminal justice system. Judge Russell's Veterans Court program featured in this issue should give us all cause to consider the responsiveness of our own judicial systems to veterans coming through our courts. ■

### **Hon. Steven Leifman**

Associate Administrative Judge, Miami-Dade County Court Criminal Division  
Special Advisor on Criminal Justice/Mental Health, Florida Supreme Court

### **Hon. Kathryn Zenoff**

Illinois Appellate Court, Second Judicial District

## Introducing New Co-Chair, Justice Kathryn Zenoff

Joining Judge Steven Leifman as co-chair of the JLI Advisory Group is Justice Kathryn Zenoff of the Illinois Appellate court for the Second Judicial District. She has been a member of the JLI Advisory Group since its inception in 2006. While serving as Chief Judge in the 17th Circuit (2003–2007), Zenoff convened and led a 70-person community-wide task force in Winnebago County that established one of the first mental health courts in Illinois. She presided over the Therapeutic Intervention Court until assigned to the appellate court last May.

## Resources from GAINS Center and the CSG Justice Center

### ➤ *Practical Advice on Jail Diversion: Ten Years of Learnings on Jail Diversion from the CMHS National GAINS Center*

This resource was developed to serve as a guide for interested criminal justice and mental health agencies as well as community members who want to know how to design, plan, implement, and evaluate a successful jail diversion program.

Available from the GAINS Center's website: <http://www.gainscenter.samhsa.gov>

### ➤ *Improving Responses to People with Mental Illnesses: The Essential Elements of Mental Health Courts*

This recently finalized document examines the 10 important program elements that jurisdictions should consider when planning, implementing, or enhancing a mental health court. The essential elements were identified based on feedback from professionals and stakeholders at all levels of the criminal justice and mental health systems, which was generated by an online public forum and a series of experts' meetings.

Available on the Justice Center's Consensus Project – Mental Health Courts webpage: <http://consensusproject.org/mhcp/>

and VA medical services, rapid demobilization, loss of day-to-day support from unit peers, sudden change back to full-time employment and family life without access to support services.

The first step in identifying veterans entering the criminal justice system is screening. The Bureau of Justice Statistics, in its periodic Survey of Inmates in Local Jails, employs the following questions:

- Did you ever serve in the US Armed Forces?
- In what branch(es) of the Armed Forces did you serve?
- When did you first enter the Armed Forces?
- During this time did you see combat in a combat line unit?
- When were you last discharged?
- Altogether, how much time did you serve in the Armed Forces?
- What type of discharge did you receive?

Asking whether a person is a veteran or whether they were ever a service member generates two different responses. Many people who served in the military do not identify as veterans, often for reasons relating to discharge status or combat experience. Discharge status is also important. Although determining eligibility for services through the U.S. Department of Veterans Affairs is no easy task, much of it relies on a service member's discharge. Based on BJS data, 80 to 85 percent of incarcerated veterans received an honorable or general discharge. This means a majority of veterans in jail and prison may be eligible for services through VA health centers. ■

#### Reference

McGuire, J., R. Rosenheck, & W. Kaspro. 2003. Health status, service use, and costs among veterans receiving outreach services in jail or community settings. *Psychiatric Services*, 54:201-207.

## Spotlight On...

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### Spotlight On: The Buffalo (NY) Veterans Court

In January 2008, a Veterans Court, the first of its kind in the United States, was implemented by Judge Robert T. Russell at the Buffalo City Court. (Judge Russell is a member of the JLI Advisory Group). This new court specializes in addressing the problems specific to veterans who come into contact with the criminal justice system. By working as a team, the Buffalo Police Department, Buffalo City Court, Buffalo VA Medical Center, and the local chapter of the Vietnam Veterans of America provide an alternative to incarceration and linkage to supportive treatment to justice-involved veterans. Although the program is operated by a municipal court, judges throughout Erie County are able to refer defendants to the Veterans Court.

The need for a Veterans Court was identified after a recent report indicated approximately 300 veterans came into contact with the Erie County criminal justice system in 2007. Veterans were entering the courts on an assortment of charges, many of which were related to disorderly conduct and domestic violence. Apart from providing linkages to mental health and substance abuse services, veterans in the program have access to housing assistance, job training and education services through a local community college, and access to peer support services. The peer support services are provided on a volunteer basis by local veterans and some active-duty service members.

### *Coming soon... A new resource from the GAINS Center*

#### **The EXIT Program: Engaging Diverted Individuals Through Voluntary Services**

The EXIT program is a high engagement—low coercion model for jail diversion developed by the New York City Mayor's Office with the Center for Alternative Sentencing and Employment Strategies. Based in the Manhattan Criminal Court, the program targets people with serious mental illness and an extensive history of convictions for misdemeanors. Instead of a lengthy period of court supervision, defendants are sentenced to a three-hour assessment session that evaluates participants' basic needs and emphasizes voluntary engagement in case management and treatment services. The program brief will be available from the GAINS Center's website (<http://www.gainscenter.samhsa.gov>) in June 2008.

## What the Research Says...

Highlights from articles and publications:

### **Invisible Wounds of War: Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery**

Tanielian T & Jaycox LH, Eds. (2008). Santa Monica, CA: RAND Corporation.

A representative survey of active and former servicemembers who had served in Operation Iraqi Freedom and Operation Enduring Freedom found 18.5 percent screened positive for post-traumatic stress disorder or depression and 19.5 percent screened positive for service-related traumatic brain injury. The researchers found only half of those who screened positive sought treatment and stigma kept many servicemembers from seeking help. The full report and research brief are available from <http://veterans.rand.org>

### **Health Status, Service Use, and Costs Among Veterans Receiving Outreach Services in Jail or Community Settings**

McGuire, J., Rosenheck, R., & Kaspro, W. (2003). *Psychiatric Services*, 54(2): 201-207.

This study compared the characteristics, service use, and health care costs of two groups of veterans who were contacted by outreach workers: a group of veterans in the Los Angeles County Jail and a group of homeless veterans. Among the incarcerated veterans, 35 percent had a mental illness. Two-thirds of those with a mental illness had a co-occurring substance use disorder.

## Buffalo Veterans Court Receives National Attention

Earlier this spring, two reports on Judge Russell's Veterans Court were featured on National Public Radio. Timing in at 5 minutes and 30 minutes, the reports examine the formation of the court and feature interviews with a participant in the program, the court's project director, and the chairman of the PTSD and Substance Abuse Committee for Vietnam Veterans of America. Both reports can be streamed from NPR's website: <http://www.npr.org/templates/story/story.php?storyId=90254410>

In the print media, the court was reviewed in depth by USA Today. The article is available from the newspaper's website: [http://www.usatoday.com/news/nation/2008-06-01-veterans-court\\_N.htm](http://www.usatoday.com/news/nation/2008-06-01-veterans-court_N.htm). On June 4, 2008, the New York Times published an editorial on the court, calling it a "bright spot on the normally bleak terrain for military veterans who return home and fall into addiction, mental illness and crime." The editorial is available through this link: <http://www.nytimes.com/2008/06/04/opinion/04wed4.html?partner=rssnyt&emc=rss>

### JUDGES' CRIMINAL JUSTICE/MENTAL HEALTH LEADERSHIP INITIATIVE

The Judges' Criminal Justice/Mental Health Leadership Initiative Newsletter is published by the CMHS National GAINS Center and the Council of State Governments Justice Center.



The CMHS National GAINS Center has operated since 1995 as a policy and technical assistance center for systems integration and the development of comprehensive plans for service delivery among state and local behavioral health and criminal justice systems. The CMHS National GAINS Center is funded through the Center for Mental Health Services of SAMHSA as part of the CMHS Transformation Center.

**JUSTICE CENTER** The Council of State Governments is a national THE COUNCIL OF STATE GOVERNMENTS nonprofit organization serving policymakers at the local, state, and federal levels of all branches of government. Its Justice Center coordinates the Criminal Justice/Mental Health Consensus Project and provides technical assistance to grantees of the Justice and Mental Health Collaboration Program, an initiative of the Bureau of Justice Assistance of the Office of Justice Programs.

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#### on the docket

**National Association for Court Management**  
2008 Annual Conference  
Anaheim, CA ♦ July 14-17  
<http://nacm.ncsc.dni.us/>

**National Council of Juvenile and Family Court Judges**  
71st Annual Conference  
Norfolk, VA ♦ July 27-30  
<http://www.ncjfcj.org/>

**National Judicial College**  
Co-Occurring Mental and Substance Use Disorders  
Reno, NV ♦ August 18-21  
<http://www.judges.org>

**American Judges Association**  
2008 Annual Educational Conference  
Maui, HI ♦ September 7-12  
<http://aja.ncsc.dni.us/>

**American Public Health Association**  
Public Health Without Borders  
San Diego, CA ♦ October 25-29  
<http://www.apha.org/meetings/>