

# Person-Centered Justice

▲ A New Model for Collaborative and  
Community Caseflow Management

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# AGENDA

Background, Guiding Principles

The Four Pillars

Conclusion



# Questions for You

What discipline do you practice?

What does person-centered justice mean to you?

If our system isn't person-centered, what is it? What needs to change?

If you are part of the criminal caseflow process, who do you interact with? Who do you need to interact with more?

An estimated 70% of individuals involved in the criminal justice system have a behavioral health disorder, making state courts a significant referral source to community behavioral health treatment, and often making jails the largest behavioral health facilities in the jurisdiction.

# BACKGROUND

- New Model created in response to these behavioral health needs
- Developed with help from focus groups and learning communities
- Informed by extensive research, like the Effective Criminal Case Management Project (ECCM) and the ABA's Criminal Justice Standards on Mental Health
  - Showed that only 30% of felony cases were resolved within 90 days; should be 75%
  - Set forth key elements of effective criminal caseflow management
- Created by the National Center for State Courts' National Judicial Task Force



# Guiding Principles

- Encourage Judges to lead
- Promote Early Intervention
- Develop new caseflow management systems
- Facilitate evidence-based practices
- Identify, measure, and proactively address issues of equity and bias
- Adhere to due process, procedural fairness, transparency, and equal access to justice
- Develop trauma-informed, person-centered, responsive practices

# Guiding Principles

- Promote Individual attention to each case and each person
- Treat all individuals with respect and neutrality
- Gather input from individuals with lived experience
- Provide for accountability
- Expand, leverage, and share resources

# ▸ Four Pillars of the New Model

1. Strengthen community responses and minimize criminal justice system involvement
2. Promote early intervention and effective management of court cases
3. Institutionalize alternative pathways to treatment and recovery and improve outcomes
4. Manage post-adjudication events and transitions effectively





# Pillar 1: Strengthen Community Responses

- Four Essential Elements:
  - Comprehensive Behavioral Health Systems
  - Deflection
  - Stop the Revolving Door into the Justice System
  - Prosecution Alternatives

# Essential Element 1: Comprehensive Behavioral Health Crisis Systems

- Ideal System = an essential community service, just like police, fire, and EMS services
- Evidence-based practices:
  - Regional or statewide crisis call centers, coordinating in real time
    - 988 national crisis line
  - Centrally deployed 24/7 mobile crisis response
  - 23-hour crisis receiving and stabilization programs



A mobile crisis response team in action!

## ➤ Essential Element 2: Deflection

- Law enforcement should refer individuals to mental health treatment
- Increase partnerships between law enforcement and behavioral health agencies
  - Police-Mental Health Collaboration programs
    - Crisis Intervention Teams
    - Co-Responder Teams
    - Mobile Crisis Teams
    - Case Management Teams
    - Tailored Approach
- Use self-assessment tools to help law enforcement and behavioral health partners assess their progress



## Essential Element 3: Stop the Revolving Door into the Justice System

- Validated risk-need and behavioral health screening and assessment tools
- Information sharing agreements across agencies and justice partners
- Integrate behavioral health data within the court's case management system



## Essential Element 4: Prosecution Alternatives

- Focus on harm reduction, not just risk reduction
- Utilize Evidence-Based Decision Making practices
  - Risk-needs assessment tools
  - Interventions for medium and high risk defendants
  - Responding to misconduct with swiftness, certainty, and proportionality
  - Using more carrots than sticks





## Pillar 2: Promote Early Intervention and Effective Management of Court Cases

- Essential Elements:
  - Screening and Assessment
  - Behavioral Health Triage
  - Jail Practices
  - First Appearance and Pretrial Practices
  - Effective Defense Representation
  - Effective Court Caseflow Management

## Essential Element 1: Screening and Assessment

- Differences between screening and assessment
- Should inform all aspects of system responses
  - Early diversion to treatment
  - Pretrial release decisions and supervision conditions
  - Jail custody classification
  - Medication and treatment plans
  - Probation, parole, and reentry conditions
- Screenings include those for mental health, substance use disorder, criminogenic risk, and trauma – seek to integrate
- Remote screenings are just as effective as in-person



## Essential Element 2: Behavioral Health Triage

- Establishing relationships with behavioral health providers
  - Certified Community Behavioral Health Clinics (CCBHCs)
- Alternatively, courts may hire clinical staff (psychiatrists, social workers)



# Essential Element 3: Jail Practices

- County leaders must ask:
  - Is leadership committed?
  - Are timely screening and assessments conducted?
  - Is there baseline data?
  - Have we conducted a process analysis and asked funding questions?



# Essential Element 4: First Appearance and Pretrial Practices



- Specialized Mental Health Caseloads
- Social Workers partnering with Public Defender Offices
- Meaningful First Appearances
  - Timely
  - Presumption of release
  - Individualization of release conditions that are least restrictive
  - Advisement
  - Review of pretrial assessment information

## Essential Element 5: Effective Defense Representation

- Early Contact
- Holistic Defense Model
  - Seamless access to legal and non-legal services
- Appropriate Training and Connection to Social Workers

## Essential Element 6: Effective Court Caseflow Management

- Leadership and Governance
- Early Court Intervention and Control
- Predictable and Productive Court Events
- Goals and Information Management
- Communication and Collaboration

## PILLAR III

### ESSENTIAL ELEMENTS

1. Diversion – A Pathways Approach
2. Civil Responses
3. Competency Dockets
4. Specialized Behavioral Health Dockets
5. Courtroom Practices
6. Treatment Courts
7. Other Pathways and Strategies to Treatment and Recovery

## Pillar 3: Institutionalize Alternative Pathways to Treatment and Recovery

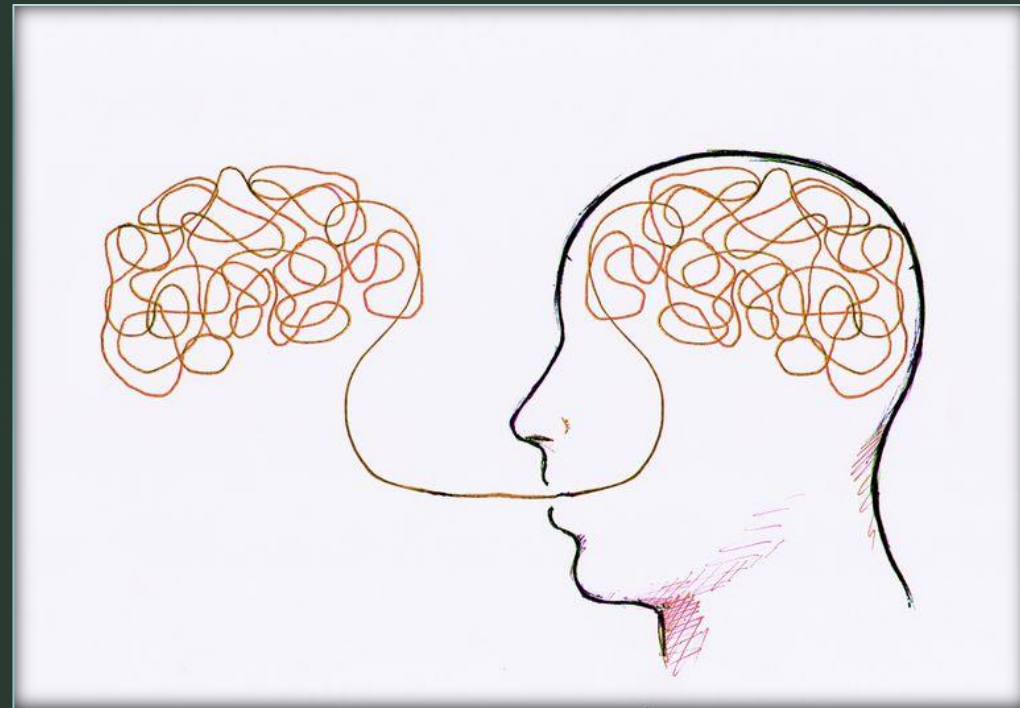
- Essential Elements:
  - Civil Responses
  - Competency Dockets
  - Specialized Behavioral Health Dockets
  - Treatment Courts
  - Other Pathways and Strategies to Treatment and Recovery

## Essential Element 1: Civil Responses

- Involuntary Civil Commitment
- Emergency Intervention
- Guardianship
- Assisted Outpatient Treatment

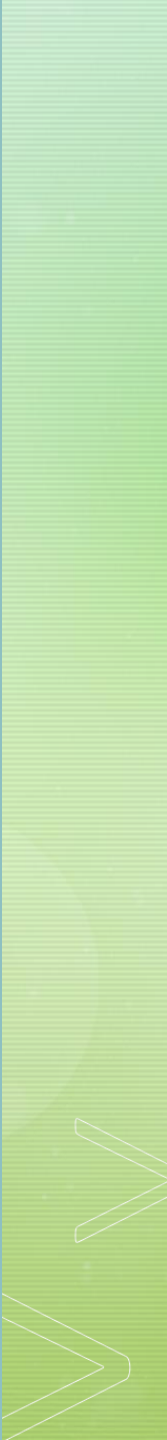
# Essential Element 2: Competency Dockets

- Reserve Competency Process for Serious Offenses
- Utilize Case Managers and Court Liaisons
- Conduct Frequent Reviews





## Essential Element 3: Specialized Behavioral Health Dockets

- Pre-trial
  - Pre-adjudication (with case manager)
  - Post-adjudication (with community supervision representative)
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# Essential Element 4: Treatment Courts

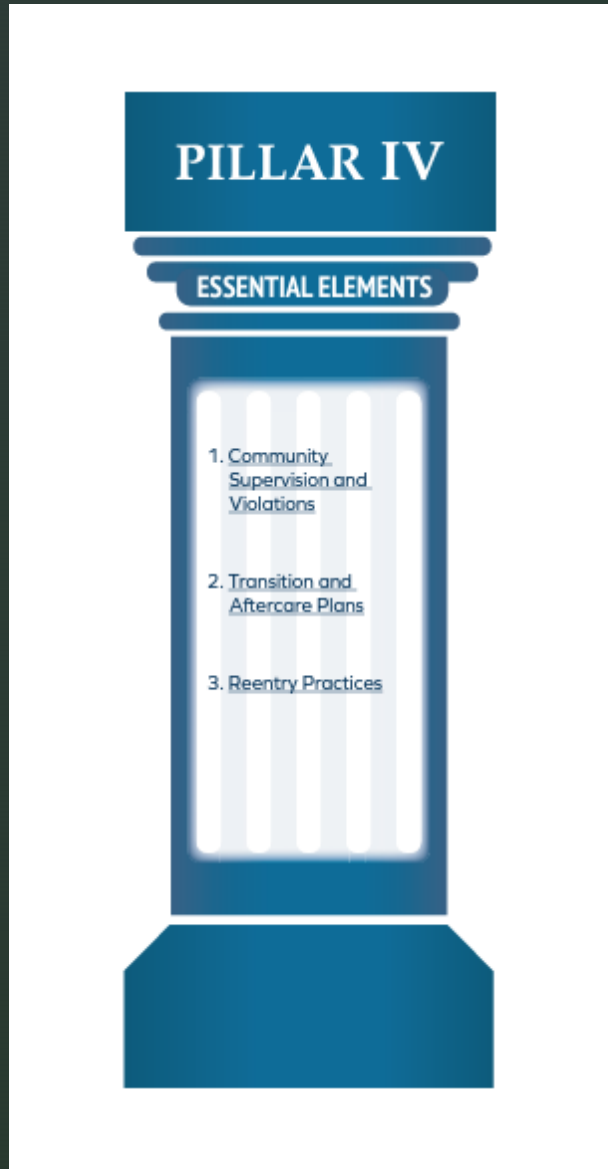
- Mental Health Courts, Drug Courts, Veterans Treatment Courts
- For High Risk / High Need Individuals
- Positive Reinforcement – Graduation!



# Essential Element 5: Other Pathways and Strategies to Treatment and Recovery

- Recovery Support Navigators / Behavioral Health Liaisons
- Telehealth Services





## Pillar 4: Manage Post-Adjudication Events and Transitions Effectively

- Essential Elements:
  - Community Supervision and Violations
  - Transition and Aftercare Plans
  - Reentry Practices

## Essential Element 1: Community Supervision and Violations

- Graduated Sanction System
- Supervision Plan informed by Supervised Party
- Motivational Interviewing

## Essential Element 2: Transition and Aftercare Plans

- Start planning early
- Make it individualized
- Ensure continuity of treatment
- Ensure enrollment or re-enrollment in insurance



## Essential Element 3: Reentry Practices

- In-reach efforts
  - Introduce treatment team prior to reentry
  - Warm handoff
- Address critical needs such as housing, employment, family unification
- Gather government-issued IDs

## Final Thoughts

- We need a system for the 70% with behavioral health issues, not just the 30% without
- Definition of insanity: Doing the same thing, expecting different results