



## **Complex Needs, Tough Cases**

### ***Essential Elements for Responding to People with Mental Illnesses at the Pretrial Stage***

**NAPSA Annual Conference & Training Institute  
JW Marriott Hotel 10 S West St, Indianapolis, IN 46204  
August 16-19, 2015**

Notes view to find out a  
audience

# Your Facilitators

**David A. D'Amora**, *Director of Special Projects, Council of State Governments Justice Center*

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**Elizabeth Simoni**, *Northeast Director, National Association of Pretrial Services Agencies; Executive Director, Maine Pretrial Services. Inc. (ME)*

**Laurie Stolen**, *Director, Alternative Sentencing Department, Larimer County Criminal Justice Services (CO)*

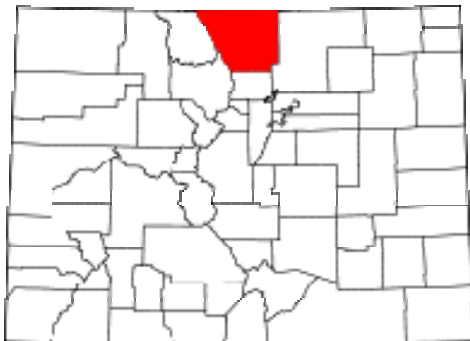
# Advisors Presenting at NAPSA

## Larimer County (CO)

324,000 Population

2,600 square miles

County Seat: Fort Collins



[https://en.wikipedia.org/wiki/Larimer\\_County,\\_Colorado](https://en.wikipedia.org/wiki/Larimer_County,_Colorado)

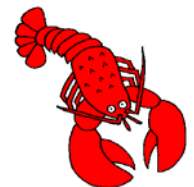
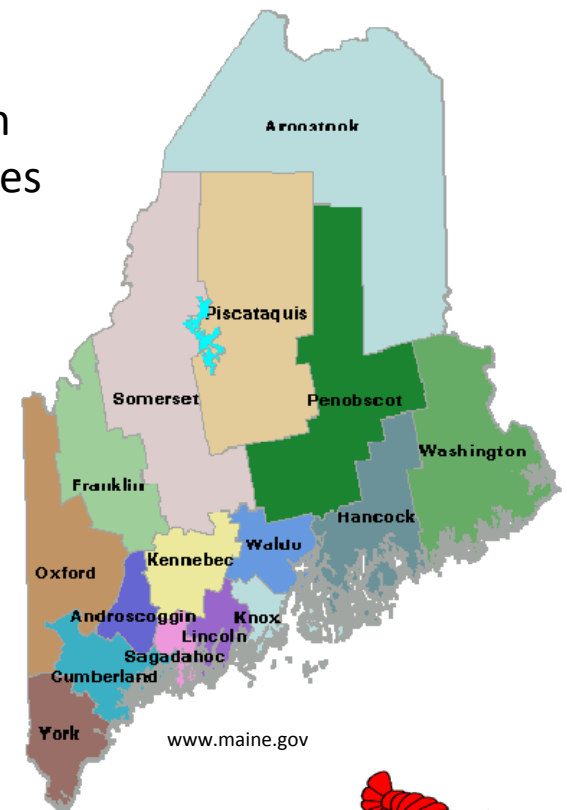


## Maine

1.33 M population

35,000 square miles

16 counties



# Council of State Governments Justice Center

Corrections



Courts



Justice Reinvestment



Law Enforcement



Mental Health



Reentry



Substance Abuse



Youth



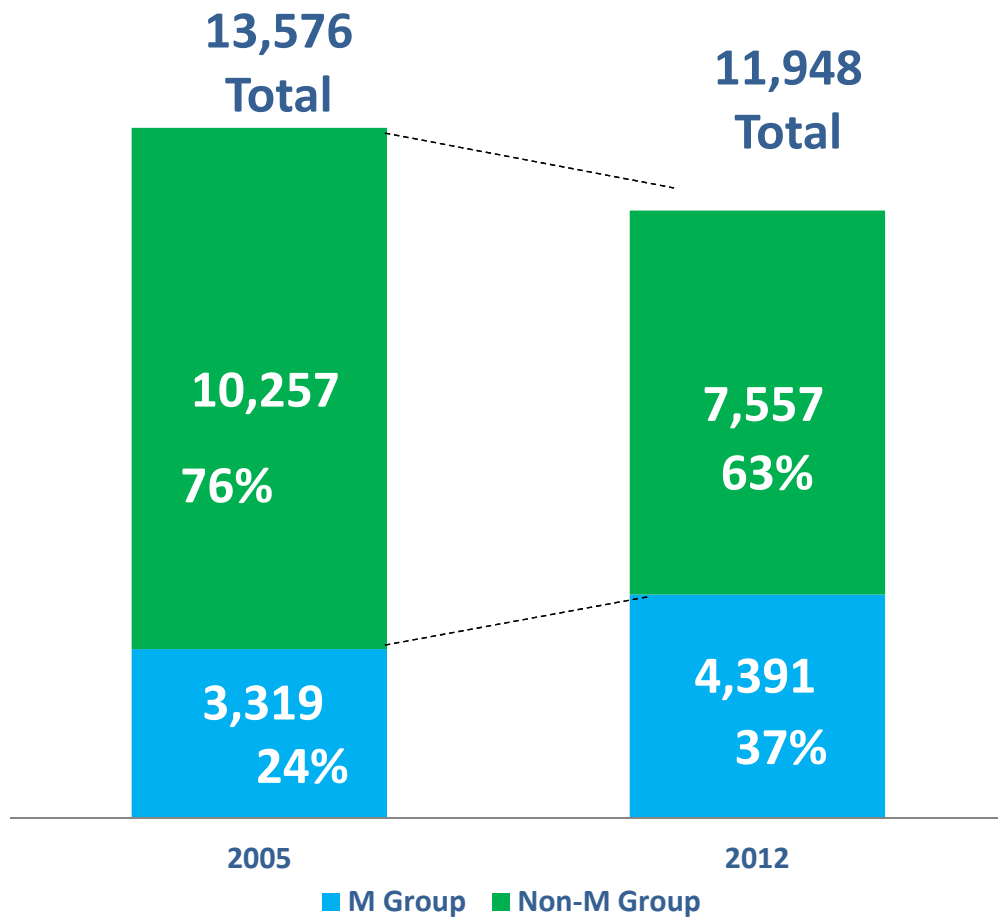
**National nonprofit,  
nonpartisan** membership  
association of state  
government officials

**Represents all  
three branches** of  
state government

Provides **practical  
advice** informed by the  
best available evidence

# Case Study: NYC Jails

NYC AVERAGE DAILY JAIL POPULATION (ADP) AND ADP WITH MENTAL HEALTH DIAGNOSIS (2005-2012)

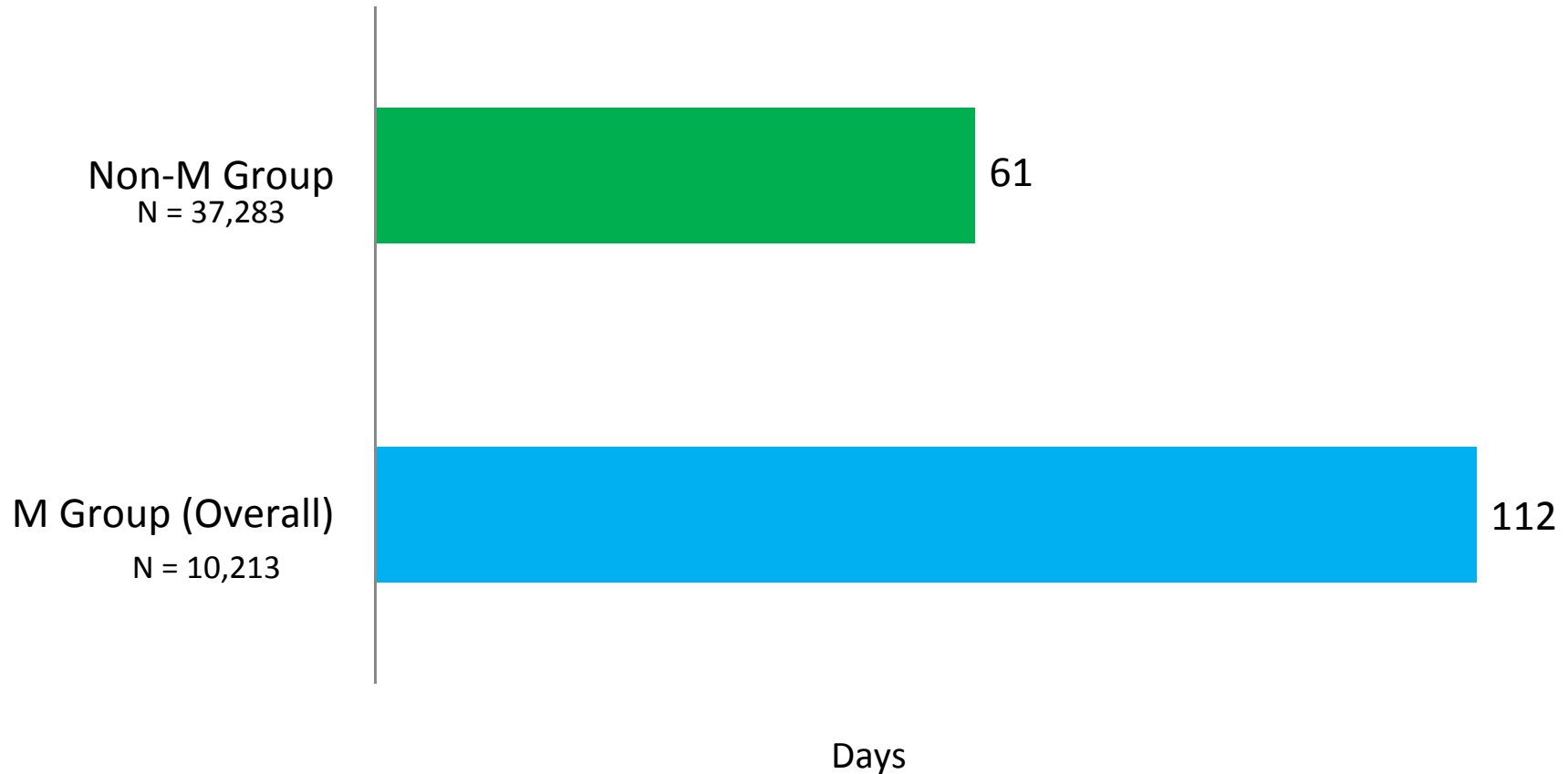


Why are there more people with mental illnesses in jail?

Why are they a growing percentage of the average daily population?

# Individuals with MI Stay Longer

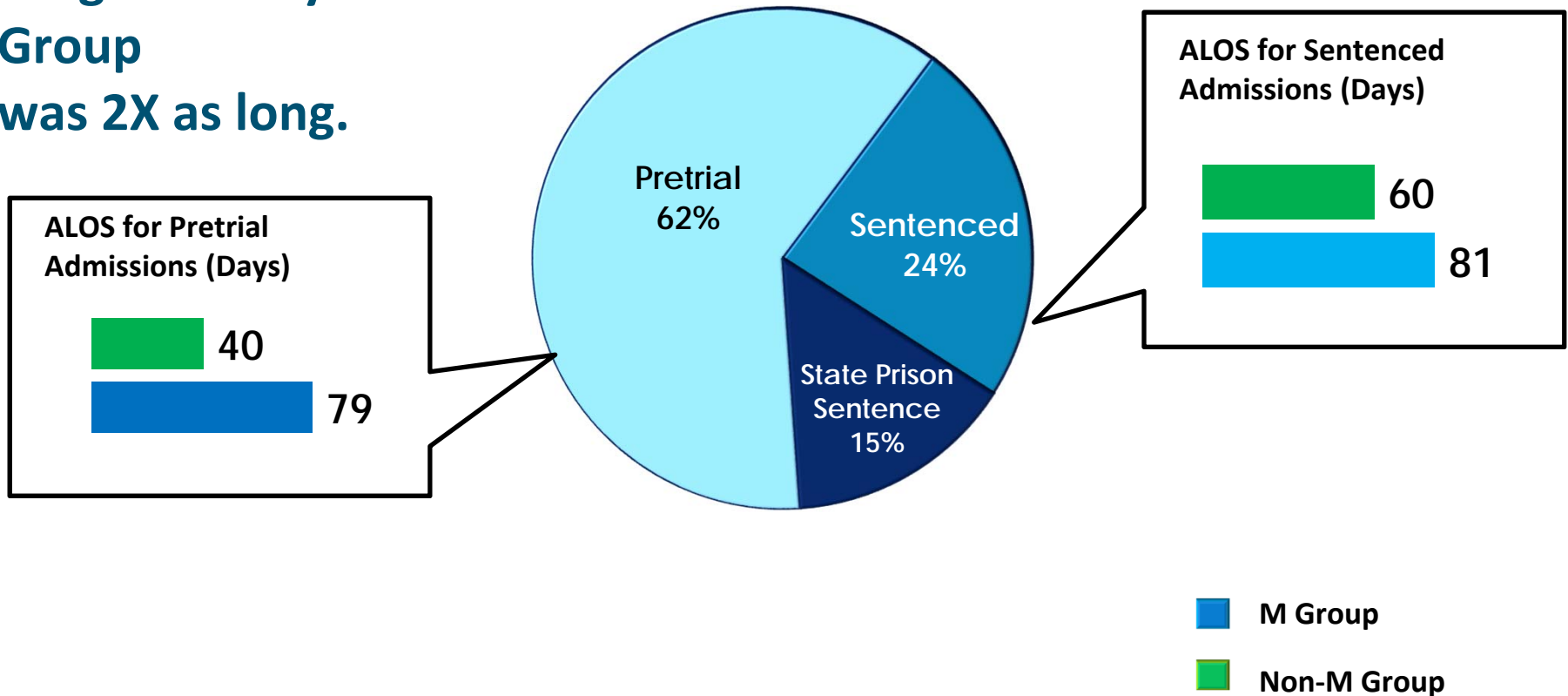
## NYC Average Length of Stay



Source: The City of New York Department of Correction & New York City Department of Health and Mental Hygiene  
2008 Department of Correction Admission Cohort with Length of Stay > 3 Days (First 2008 Admission)

# Pretrial Detainees Are Most of the Jail Population and Have the Biggest Difference in ALOS

Average Pretrial Length of Stay for M Group was 2X as long.



Source: The City of New York Department of Correction  
2008 Department of Correction Admission Cohort with Length of Stay > 3 Days (First 2008 Admission)

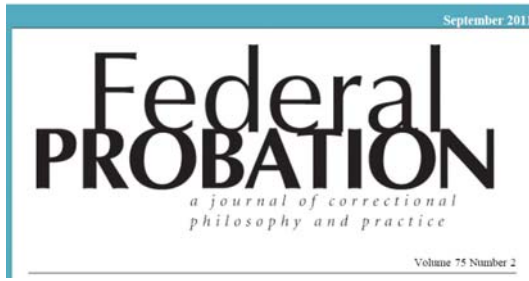
# Theories for Exploration

**Concern about release**



# Mental Health & Pretrial Risk Assessment

Animates. Please see notes.



ISSUE BRIEF  
MAY 2015



## PRETRIAL RISK ASSESSMENT: SCIENCE PROVIDES GUIDANCE ON ASSESSING DEFENDANTS

### Predictive Factors from Pretrial Risk Meta Analysis

- Prior Convictions
- Prior Felonies
- Prior Misdemeanors
- Prior Failure to Appear
- Juvenile Arrests

Table 1: Factors in Pretrial Risk Assessment Tools

	Virginia <sup>7</sup>	Colorado <sup>8</sup>	Kentucky <sup>9</sup>	Federal <sup>10</sup>	Florida <sup>11</sup>	Ohio <sup>12</sup>
Current charge	x			x	x	
Pending charges	x	x	x	x		
Previous convictions (misdemeanor and/or felony)	x		x	x	x	
Previous FTA	x		x	x	x	x
Violent conviction	x		x			
Residency (length, ownership, contribute, etc.)	x	x		x	x	x
Employment/student status	x			x	x	x
Current/history of drug or alcohol abuse	x	x		x	x	x
Working phone		x			x	
Age (current or at first arrest)		x		x	x	x
Active warrant		x	x			
Mental health		x			x	
On probation/parole			x			
Education				x		
Citizenship/foreign relations				x		
Marital status					x	
Previously incarcerated in jail or prison		x				x

### Public Safety Assessment Tool

- *Static criminal history factors available through administrative data*



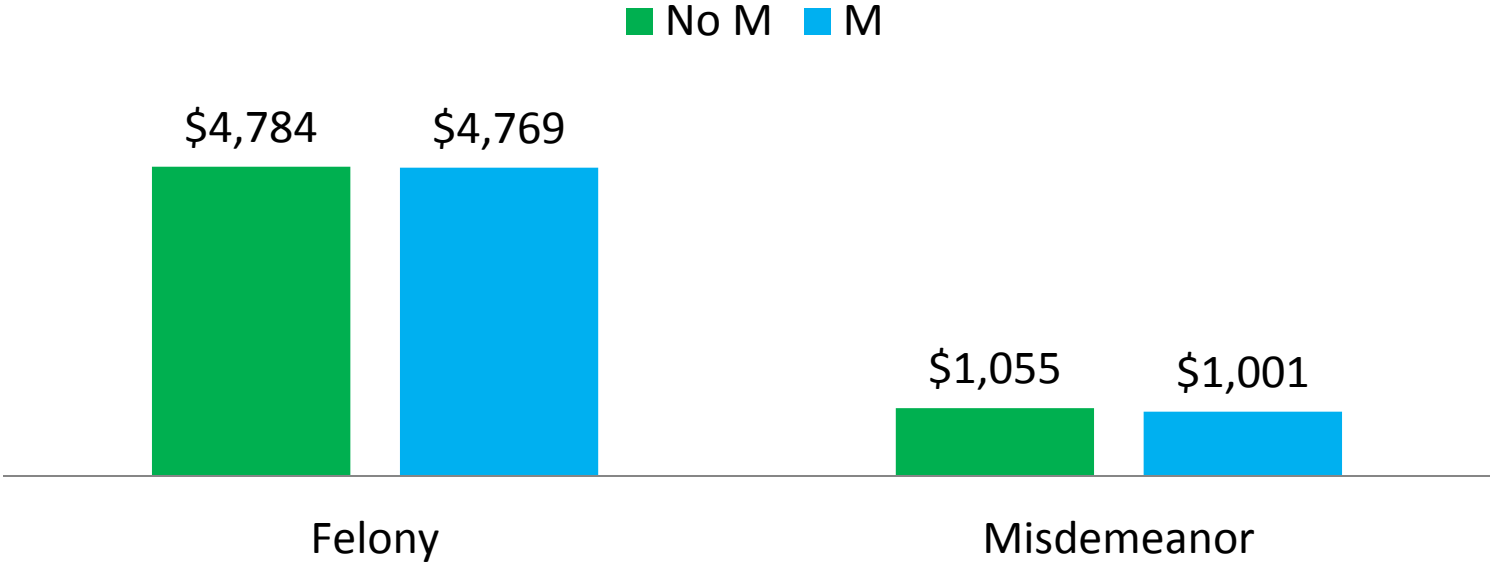
# Theories for Exploration

**Concern about release**

**Inability to meet release conditions**

# Bail Set at Similar Amounts. . .

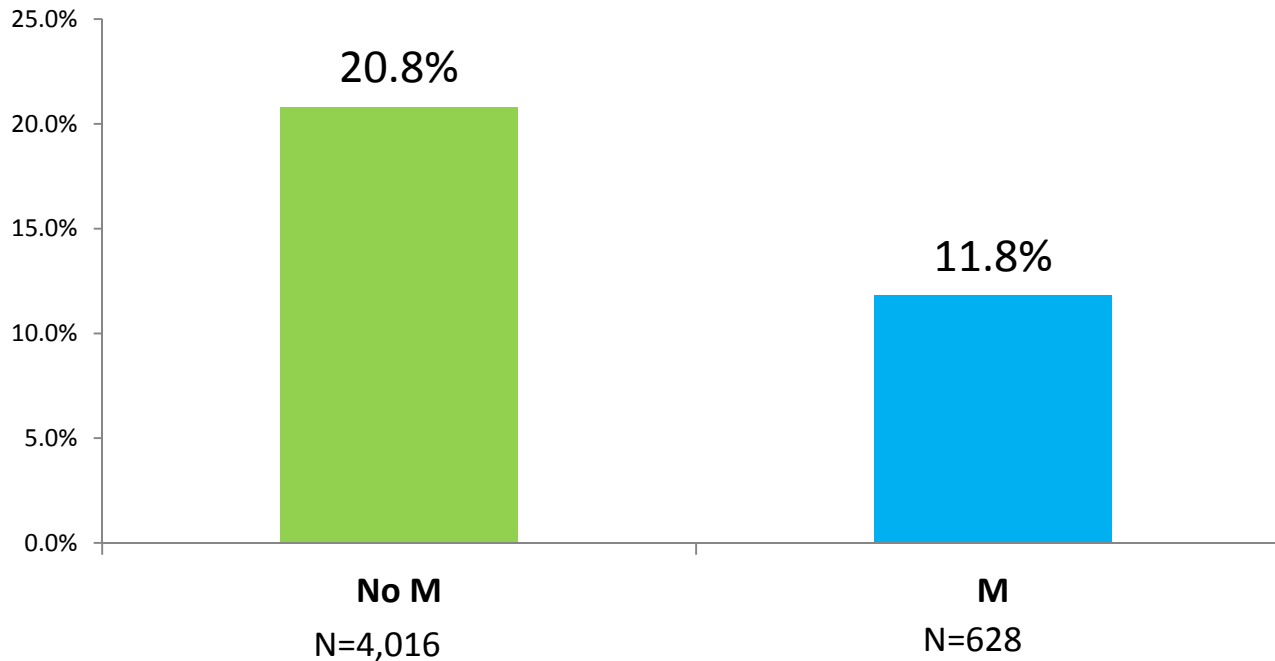
Lowest amount needed for release (grouped median) for Individuals with LOS > 3 days



\*M indicator at discharge

# . . . But Don't Make Bail at the Same Rate. . .

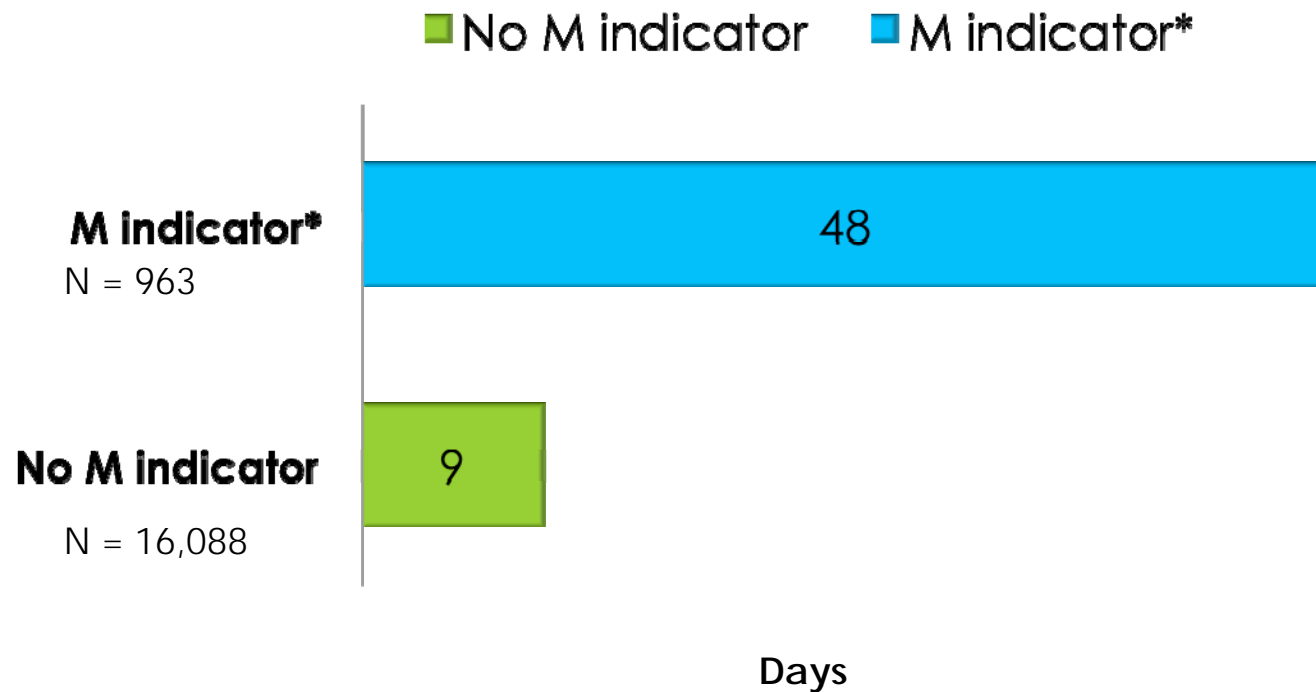
**Bail Made Post-Arrest for Individuals with LOS > 3 days**



\*M indicator at discharge

# . . . And Take Longer to Make Bail

Days in Jail Among Those Who Paid Bail, for Individuals with LOS > 3 days



\*M indicator at discharge

# Theories for Exploration

**Concern about release**

**Inability to meet release conditions**

**Operational concerns**

# Introduction to “Essential Elements”

Discuss process  
Element  
development

**Document what good policy/practice** look like in a way that  
will be applicable across **diverse jurisdictions**  
*in order to*  
**Inspire** good policy/practice in a **priority area**

## *Improving Responses to People with Mental Illnesses*

- Specialized Law Enforcement-Based Response Programs
- Mental Health Courts
- Specialized Probation Initiatives



# Learning Objectives

**By the end of this session, you will be able to:**

- **Identify “essential elements” of pretrial mental health initiatives**
- **Apply at least two of these elements to policy/program implementation**
- **Begin to plan where there are opportunities to bring these elements to your own communities**



# Order of the Day



**Introduction to the Essential Elements**

10 min

**Element Application**

35 min

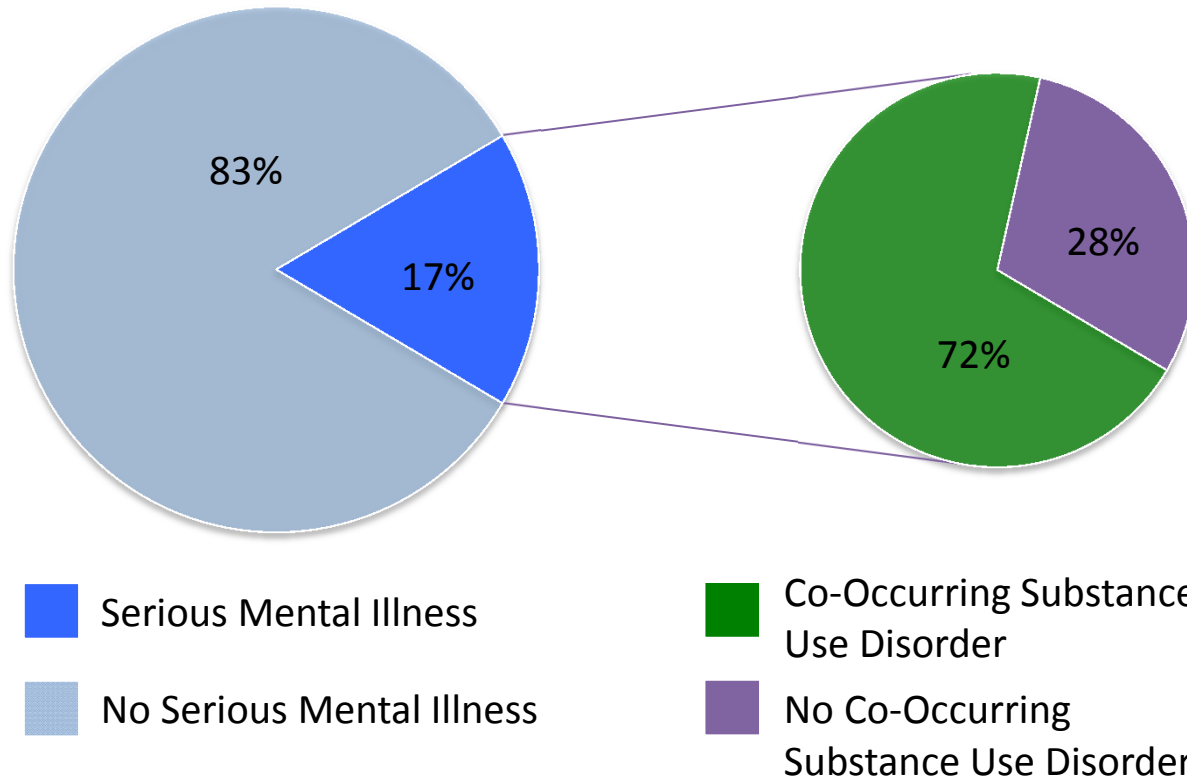
**Taking it Home**

5 min

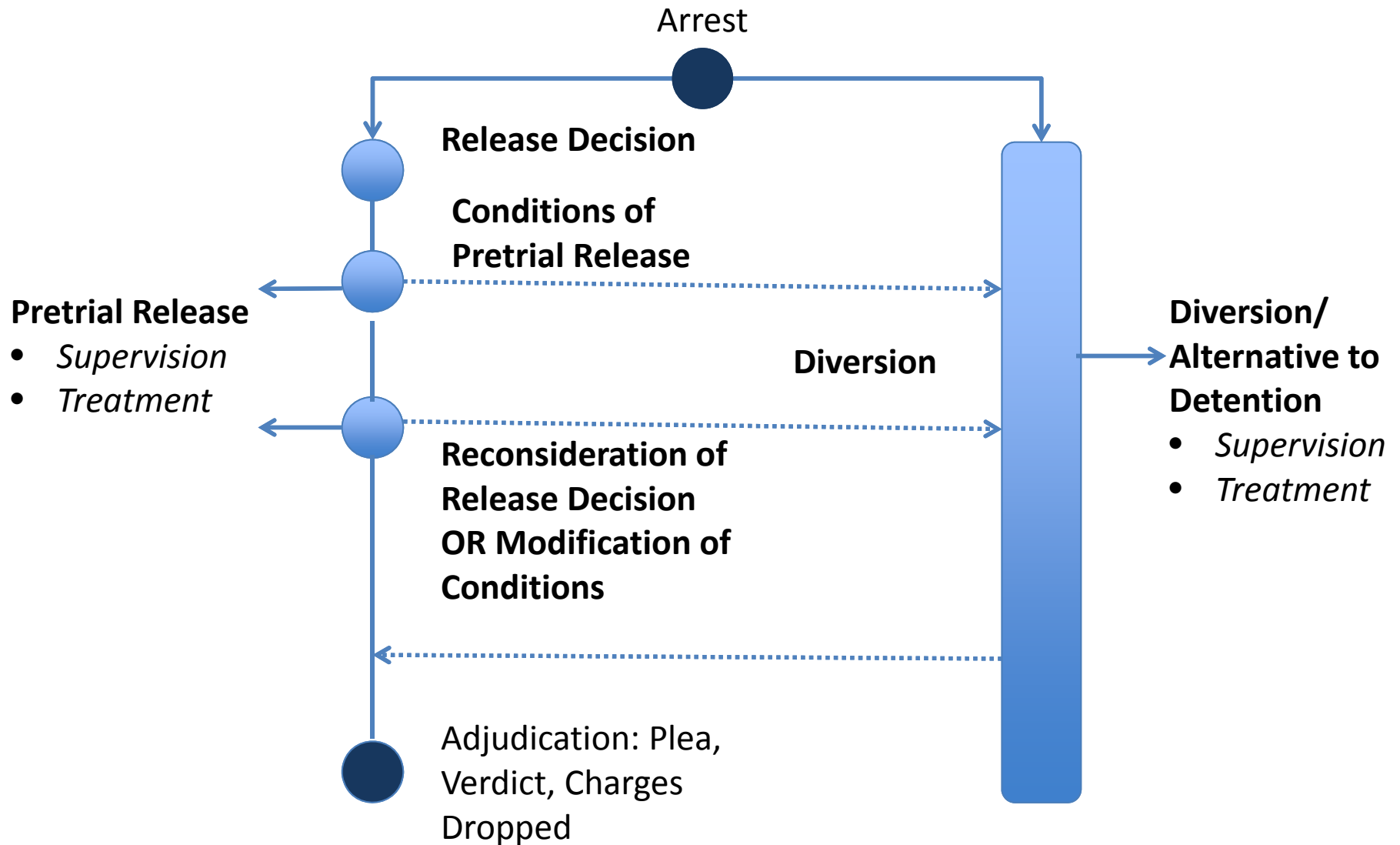
# Scope: Responding to People with Mental Illnesses at the Pretrial Stage

## Prevalence of Serious Mental Illnesses & Co-Occurring Substance Use Disorders

### Jail Population



# Scope: Responding to People with Mental Illnesses at the Pretrial Stage



# The Essential Elements

1 Collaborate

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2 Training

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3 Pretrial Release and Diversion Option

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4 Informed Decision Making

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5 Quick and Appropriate Behavioral Health and Support Services

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6 Community Supervision and Treatment

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7 Performance Measurement and Evaluation

# Order of the Day

Practitioners on tap for examples of challenges and approaches for each Element

## Introduction to the Essential Elements



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### Element Application

- *Concept*
- *Challenge for implementation*
- *Example of an approach that works*
- *Question*

### Taking it Home

# The Essential Elements

1

## Collaborate

*Criminal justice and behavioral health leaders, managers, and line staff all work together to develop, operate, maintain, monitor, and improve responses to people with mental illnesses in the pretrial period.*

Notes below include v  
was in the outline for  
longer document as w  
as some of Rise's thou

Moderator explains.  
Audience/practitioner  
discuss a challenge an  
approach, and then th  
audience poses a  
question.

# The Essential Elements

2

## Training

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*Criminal justice and behavioral health stakeholders are familiar with legal and evidence-based practices for pretrial release, supervision, and diversion, basic concepts in both pretrial justice and behavioral health, and specific skills relevant to their professions.*

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# The Essential Elements

3

## Pretrial Release and Diversion Options

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*Stakeholders use a range of mechanisms for quick and appropriate pretrial release and diversion.*

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# The Essential Elements

## 4 Informed Decision-Making

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*Judicial officers receive information that is shown to be relevant to defendants' probability of success on release to inform their decisions about release and to set the least restrictive conditions to assure appearance in court and protect the public. Prosecutors use similar information to inform decisions about diversion offers.*

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# The Essential Elements

5

## Quick Connection to Appropriate Behavioral Health Services and Supports

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*Mental health, substance use, and other needs are identified through screening and shared narrowly to direct defendants to appropriate treatment and services.*

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# The Essential Elements

6

## Community Supervision and Treatment

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*Criminal justice and behavioral health stakeholders work together to support defendants' adherence to conditions of release and, their progress towards recovery, and to minimize future justice system involvement.*

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# The Essential Elements

7

## Performance Measurement and Evaluation

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*Data are collected and analyzed at regular intervals to identify opportunities for improvement, assess quality in the delivery of treatment and supervision, and support initiative sustainability.*

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# Order of the Day

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**Introduction to the Essential Elements**

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**Element Application**

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**Taking it Home**

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# Taking It Home

**What will be your first action  
step when you get home?**

# Thank You

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For more information, contact **Hallie Fader-Towe (hfader@csg.org)**



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