

TOP STORY EDITOR'S PICK

GUEST COMMENTARY

Guest commentary: Addressing the mental health crisis in the courts

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Mental illness and inadequate access to mental health treatment can lead to poverty, homelessness and substance abuse issues, which often results in a never-ending cycle of incarceration and court involvement.

According to data reported by the National Center for State Courts, more than 2 million people with serious mental illnesses are arrested each year.

People with mental health issues are disproportionately represented in the criminal justice system. Seven of every 10 inmates in the county jails and state prisons have a mental illness diagnosis or an addiction. People suffering with mental illnesses are 10 times more likely to be incarcerated than they are to be hospitalized or in a treatment facility.

The statistics are clear. Criminalization and punishment without addressing the root of the problem simply does not work, and the human and financial cost of this approach is immense.

Courts are at the front line of this issue and can be a vehicle for meaningful change. Cases involving someone with an underlying mental illness are present in all dockets. Reforms are needed to better equip the judicial system to address the mental health crisis.

In March 2020, the Conference of Chief Justices established the National Judicial Task Force to Examine State Courts' Responses to Mental Illness. Working in collaboration with the National Center for State Courts, the task force engaged in research to develop best practices and made over 100 recommendations in a report issued in July 2022.

One fundamental recommendation is for courts to divert people with behavioral disorders toward treatment instead of criminal conviction. Diversionary programs achieve excellent outcomes.

Many jurisdictions have established mental health courts, veterans' courts, and recovery courts for individuals with mental illnesses or substance abuse issues. Instead of entering the criminal justice system, which often becomes a revolving door, certain offenders can get the services they need to rebuild their lives. This is not only more effective but cheaper. The cost of treatment pales in comparison to the high cost of incarceration.



Commentary: Dealing with false facts: How to correct online misinformation

Courts are increasingly recognizing the importance of trauma-informed approaches when dealing with people with behavioral health disorders, which requires collaboration with mental health experts and addiction treatment providers, coordination with law enforcement, and additional training. This multifaceted approach is essential to effectively manage these challenges.

New Jersey has been at the forefront of many of these reform efforts and has made great strides over the last two decades. Criminal justice and municipal court reforms have substantially reduced incarceration rates for low-risk cases.

The New Jersey Recovery Court is one such initiative that focuses on treatment, intense supervision and a collective approach to help criminal defendants address their addiction. Only 2% of Recovery Court participants re-offend compared with 30% of all adult offenders. Diversion and treatment works.

The William J. Hughes Center for Public Policy at Stockton University recently hosted a panel event on this topic. During the forum, retired Atlantic County Recovery Court Judge Mark Sandson highlighted the New Jersey Judiciary Opportunities for Building Success (JOBS) program.

This cutting-edge initiative has connected over 4,000 probation and Recovery Court clients with meaningful employment. The program provides the participants with financial stability and the pride of having a job, increasing their chances of rehabilitation.

The Hughes Center forum also featured Iyana James, associate director of justice involved services at Jewish Family Service of Atlantic & Cape May Counties. James shared the innovative ways JFS helps nonviolent offenders get the support they need.

New Jersey Supreme Court Justice Lee Solomon headlined a segment on wellness in the legal profession. The court established the Wellness in the Law Committee in May of 2023 to ensure lawyers and judges are also able to access necessary mental health

support. Justice Solomon serves as the chair.

Judge Nan Waller of Oregon and Judge James Bianco of California, members of the aforementioned judicial task force, also participated to provide their perspective on best practices in this area.



Guest Commentary: Prosecution, diversion, second chances and bail reform

These initiatives are paving the way for meaningful change. New Jersey has the potential to be a national leader on this front. Continuing to improve how these public health issues are managed in the court system will make the judicial process fairer for all and promote rehabilitation over recidivism.

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Press archives
