

Statewide Expansion of Mental Health Courts

Judge Melissa Blackburn
Davidson County Mental Health Court

Mental Health Courts exist to improve public safety and assist the well-being of people with mental illness by linking them to services that are court-supervised, community-based treatment and to provide a fair and just service to those who are struggling with mental illness and co-occurring issues. The goals of the Mental Health Court for Nashville/Davidson County are:

- To restore dignity and respect to those who have come into contact with the criminal justice system due to their mental illness.
- To improve the court's ability to identify, assess and monitor offenders with mental illness
- Link clients with services to improve their quality of life, decreasing future contact with law enforcement and the criminal justice system.
- Protect the community through effective supervision methods that reduce the probability that probationers will commit new criminal offenses.

Services Mental Health Treatment Court provides:

- Supervision during length of probation
- Connection to mental health services
- Connection to inpatient recovery and intensive outpatient recovery services
- Assistance with identifying suitable housing
- Monitored screening for alcohol and substance use
- Expungement or dismissal of current charges
- Dismissal of fines and court costs upon successful program completion

The Ten Key Treatment Court Components

- MHC integrates alcohol and other substance treatment services with criminal justice system case processing.
- Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting a participant's due process rights.
- Eligible participants are identified early and promptly placed in the Mental Health Court program.
- MHC provides access to a continuum of alcohol, drug and other related treatment and rehabilitation services.
- Abstinence is monitored by frequent random alcohol and other drug testing.

- **A coordinated strategy governs MHC responses to participants' compliance and provides a common operating plan for treatment providers and other court personnel.**
- **The Judge is the leader of the Mental Health Court team.**
- **Fundamental to the effective operation of MHC is coordinated management, monitoring and evaluation systems.**
- **Continuing interdisciplinary education for all MHC staff and team members promotes effective Mental Health Court planning, implementation and operations.**
- **Forging partnerships among treatment courts, public agencies and community-based organizations generates local support and enhances MHC effectiveness.**

The Assessment:

The assessment is a comprehensive biological, psychological, and social assessment of the history of the client.

A client will qualify for Mental Health Court if:

They have a history of mental illness. This can come from a juvenile history, history of inpatient hospitalization for severe and persistent mental illness, history of mental health treatment while they were in school, history of mental health treatment from private or community mental health services (Such as Centerstone, Park Center, Mental Health Co-Op, Vanderbilt psychiatric, MTMHI, Skyline, Allied Behavioral Health, United Neighborhood Health, etc.)

They have a co-occurring history of substance abuse and mental illness (Mental Illness may not be a direct result of substance abuse i.e. paranoia and anxiety caused by substance abuse)

Parts of the assessment:

Current situation of the client (Why are they here? What happened the day of the crime?)

Additional defendants in current case? (What does client say are the main issues)

History of Client (Upbringing, indications of trauma due to physical/sexual/emotional abuse, mental health and substance abuse history, past criminal history)

Current Symptomology (assessment of current mental health symptomology, current physical health symptomology, presenting problems, etc).

TN-RAS:

Court staff evaluates and assesses referents for program acceptance by utilizing the Tennessee Risk Needs Assessment tool (TN-RAS) as approved by the Tennessee Department of Mental Health and Substance Abuse Services.

The TN-RAS consists of assessment tools that:

- Separate offenders into risk groups based on their likelihood to recidivate
- Identify dynamic risk factors that can be used to prioritize programmatic needs.
- Identifies potential barriers and need for treatment.

Reasons for Denial

A referent may not meet the criteria for MHC based on the following:

- The referent is intellectually disabled
- The requirements in place are deemed too intensive and would be detrimental rather than beneficial to the client
- The referent has past charge of any sexual offense
- The referent has a past charge of attempted murder
- The referent has a past charge of murder
- The referent does not have a prior diagnosis of severe persistent mental illness.
- The client refuses services

The Courts adhere to best practices and established standards when sanctioning participants who fail to remain in compliance with the court mandated program.

Verbal Admonishment

Loss of Privilege

Written Warning

Increased Supervision

Accountability Meeting

Require Change In Residence

Court Observation

Jail Sanction

Community Service

Extension of Supervision

Activity/Travel Restrictions

Probation Violation/Arrest

MHC Referrals:

- Judges
- District Attorneys
- Public Defenders
- Private Counsel
- Probation Officers (When the referent is on their probation caseload and the officer recognizes mental illness or the need for more support)
- Family Members (Have referred their family member for services in the past)

Standing Up A Mental Health Court

- In 2022, the Tennessee Legislature adopted a budget with funding for Mental Health Courts for the first time in state history.
- \$20 million was allocated to the Tennessee Department of Mental Health and Substance Abuse Services to support existing court programs and assist with the creation of new programs by judicial district.
- Districts currently without MHC programs are encouraged to contact Rebekah Provost-Emmons of the Department of Mental Health and Substance Abuse Services with questions or to initiate a program in your district.

**Tennessee Department of Mental Health
and Substance Abuse Services**

Rebekah Provost-Emmons, MSW

Director

Office of Criminal Justice Services

Rebekah.Provost-Emmons@TN.gov

615.924.2484

Questions

Thank You!

Judge Melissa Blackburn

Davidson County Mental Health Court

615.862.8320