



NEW JERSEY STATE BAR ASSOCIATION

Statement on S524 Senate Budget and Appropriations Committee June 20, 2023

The New Jersey State Bar Association supports S524 (Ruiz) and lauds the sponsors for their commitment to addressing individuals with mental health issues who become court-involved. This is an important bill that readdresses the way these individuals are treated to address the cause of the issue and not the effect, ultimately reducing recidivism and improving the quality of life for all involved.

The bill is a good start towards providing a holistic approach to address mental health and move away from criminalizing behaviors that can be corrected with the proper services. For too long, these individuals have been failed for any number of reasons. They were not diagnosed early. They were not provided access to mental health services. Perhaps they did not realize they were in need of mental health services. The lack of proper mental health diagnoses and services can lead to a number of problems, including social, physical and economic issues.

Studies have shown that up to 65 or 70 percent of youth held in American juvenile detention centers have a diagnosable mental health illness. A congressional study concluded that every day approximately 2,000 youth are incarcerated simply because community mental health services are unavailable.¹ While society has been catching up to the statistics to readdress its

¹ Gardner, Patrick, An Overview of Juvenile Mental Health Courts, September 1, 2011. The full article may be accessed [here](#).

treatment of juveniles, those who have not had the opportunity to avail themselves of these valuable tools go on to become adults – still untreated – and still court-involved.

Overall, mental health courts have been shown to positively impact recidivism rates. It is difficult to measure the success of such programs across jurisdictions, as mental health courts are not run the same way in each jurisdiction and there are a multitude of variables among the different programs. In 2017, the American Psychiatric Association published a study finding support for the effectiveness of mental health courts in reducing recidivism. The authors recommended further studies identifying a greater need for research into the mechanisms through which mental health courts contribute to reductions in recidivism. Ultimately, the authors concluded that there were greater positive outcomes for those who graduated from mental health courts than those who merely participated in them.² In Florida, one judge who oversees the mental health court reported much lower recidivism rates than their peers.³ It is clear that while these courts should continue to be studied, early intervention for court-involved individuals with mental health disorders yields better results than no intervention at all.

This bill is a positive step towards changing the views on the intersection of individuals with mental health issues and the court system. There remain some concerns with the process, but the Association recognizes that we cannot make the perfect the enemy of the good. And this is a good bill.

The NJSBA remains optimistic that the State, the Judiciary and the Legislature will extend that commitment to providing the resources so that quality mental health services are

² Lowder, Ph.D., Evan M., Rade, Ph.D., Candaly B., Desmarais, Ph.D., Sarah L., Effectiveness of Mental Health Courts in Reducing Recidivism: A Meta- Analysis, Aug. 15, 2017. The full article can be found [here](#).

³ Andrews, Michelle, Mental Health Courts Are Popular, But Are They Effective?, npr.org, Dec. 16, 2015. The full article can be found [here](#).

made available to diagnose, treat and ultimately rehabilitate a class of people who, for one reason or another, have not had the opportunity to avail themselves of these valuable services.

The Association has created a Mental Health Committee to identify and explore the current ways in which individuals with mental health issues ultimately wind up either law enforcement-involved or court-involved. The committee includes attorneys of all walks – prosecutors, public defenders, private attorneys; mental health professionals; retired judges; individuals with lived experience; veterans - and is still in formation. In reviewing these issues, the committee hopes to draw on its collective knowledge and expertise to provide valuable insight in making recommendations to strengthen the legal community's commitment towards providing solutions for individuals with mental illness at the earliest point of becoming law enforcement involved. We are committed to providing our insights with the State, Judiciary and Legislators to bolster New Jersey's commitment to end the criminalization of mental illness.

Thank you for this opportunity to testify and thank you for taking on this important issue. We urge you to vote yes to this bill.