

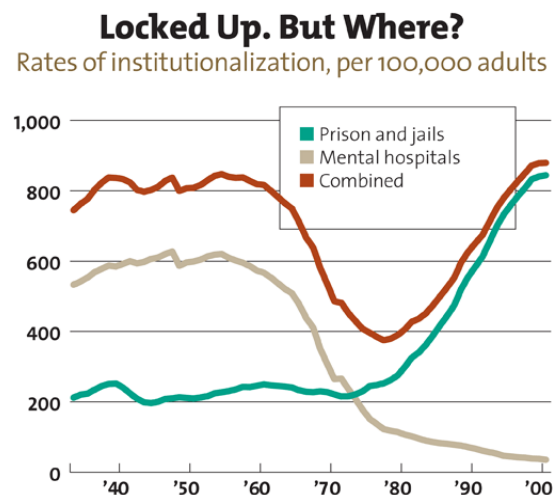
April 3, 2019

Honorable Chairman Lucy Weber  
House Health, Human Services and Elderly Affairs  
Legislative Office Building - Room 205  
107 North Main Street  
Concord, NH 03301

Madam Chairman and Members of the Committee,

My name is Kenneth Norton and I am the Executive Director of NAMI New Hampshire (National Alliance on Mental Illness). I have multiple family members with mental illness, one of whom has had involvement with the criminal justice system including repeated incarcerations. On behalf of NAMI NH, I am here to testify in support of Senate Bill 51.

It is important to look at mental health courts in the context of the larger mental health and criminal justice system overall. This first chart is from a study done by Bernard Harcourt from the University of Chicago School of Law in 2011 about institutionalization of people with mental illness. The graphic demonstrates the sobering fact that institutionalization rates have changed little over the past 70 years. The number of people in hospital settings has decreased dramatically, while the number of people with mental illness incarcerated in jails and prisons has increased just as dramatically.



While NAMI NH firmly believes that people who commit serious crimes should be prosecuted, we are opposed to the increasing criminalization of people with mental illness. Research indicates that mental health courts reduce new arrests and days spent incarcerated, increase treatment engagement, reduce corrections expenditures, improve overall health outcomes, and, most significantly, reduce human suffering. But there are not enough mental health courts nationally or here in NH. Our state currently has 10 mental health courts in 6 counties. Those mental health courts are driven by several factors, most notably strong community partnerships that include judges, and investment of money and resources by their counties. Although the work of these local projects is commendable, not everyone in NH who is eligible for mental health court has access to one. Your access depends upon where you are arrested and reside.

*Find Help, Find Hope.*

NAMI New Hampshire • 85 North State Street • Concord, NH 03301  
InfoLine: 800-242-6264 • Tel. 603-225-5359 • Fax 603-228-8848 • [info@naminh.org](mailto:info@naminh.org) / [www.NAMINH.org](http://www.NAMINH.org)

Nearly weekly, we receive calls to the NAMI NH Information & Resource Line from family members whose loved one with mental illness has been arrested and is being held in the county jail, often with no treatment and frequently awaiting a bed at NH Hospital. Far too often, we receive calls from family members whose loved one was at a local hospital, boarding in the emergency department waiting for a bed at NH Hospital when they became agitated and aggressive, leading to arrest and diversion from the ED to the county house of corrections. Sunday, there were 35 adults and 4 children waiting for beds at NH Hospital. Of those 35 adults, we know that 1 was being held in county correctional facilities. We believe that the number of individuals awaiting a bed at NH Hospital in county jails is actually higher as individuals do not always appear in the NH Hospital queue, despite our direct knowledge that they are in the jail awaiting an admission.

When we receive those phone calls to our Info & Resource Line, we hold our breath after asking where someone’s loved one was arrested, hoping that it will be in a jurisdiction with a mental health court. It is heartbreaking when we have to tell a family that there is no mental health court in that area – that their loved one will not have access to an alternative sentencing program that could provide them with treatment and supervision, working to build a full life in their community, instead of being incarcerated.

While legislation, RSA 490-H, was passed in 2014 requiring that NH mental health courts follow the best practice *10 Essential Elements of a Mental Health Court*, implementation of mental health courts still occurs at the local level, and there has been no significant increase in the number of mental health courts. The commission to be established by this legislation will yield a report that can help guide NH as we look to expanding mental health courts statewide and ensuring equal access for justice-involved individuals with mental illness.

Data collection and analysis varies among NH’s mental health courts, but data out of Hillsborough County’s Community Connections Mental Health Court has demonstrated significant cost savings – with a total of nearly \$500,000 saved in 2015 alone.

Community Connections is a robust collaborative project that was developed and is still to this day guided by the Hillsborough County Coalition on Mental Health & Justice. On the Coalition are individuals from the community mental health centers (CMHCs), courts (judges and clerks),

Community Connections Mental Health Court | Hillsborough County, New Hampshire  
Program Statistics | CY 2010 – 2015

	2010	2011	2012	2013	2014	2015
# Unique Individuals	235	309	290	302	323	346
Total Jail Days Saved <i>Deferred, Suspended &amp; Days Out on Bail</i>	12,178	28,436	29,472	29,149	57,664	62,502
Average # Bed Days Saved/Individual	51	92	101	97	179	181
Jail Days Savings (@ \$3.18/day)	\$ 38,726	\$ 90,426	\$ 93,721	\$ 92,694	\$183,372	\$198,756
Actual Medications Cost Saved	\$ 65,041	\$ 141,106	\$ 149,684	\$ 101,759	\$402,494	\$299,386
Total Savings	\$ 103,767	\$ 231,532	\$ 243,405	\$ 194,453	\$585,866	\$498,142

public defenders, prosecutors, families, law enforcement, hospitals, the Office of the Forensic Examiner, providers for the homeless, legislators, the VA Medical Center, and drug courts. There is a mental health court liaison for both Hillsborough South and Hillsborough North (each an employee of the respective CMHC in the region). The number of open individuals on each mental health court liaison's caseload exceeds 90 on any given day (for an approximate total of 180 county-wide).

NAMI NH's Deputy Director Susan Stearns has been privileged to serve as the Coalition's facilitator for the past ten years. Based on this experience, and on behalf of NAMI NH, I am suggesting an amendment to Senate Bill 51 to include as members of the commission:

- a representative of the New Hampshire Public Defender and
- a prosecutor appointed by the County Attorney Affiliate of the NH Association of Counties.

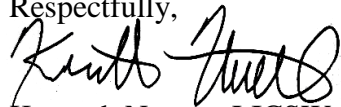
We know that mental health courts save money, and improve outcomes for individuals, families and communities. I have personally seen the economic, social and human costs when people with mental illness or serious trauma histories recirculate through the courts and corrections system not getting the treatment which they desperately need to stop that revolving door.

I would also add that if justice is blind, how someone's crimes are dealt with should not depend upon where they are arrested, live or what court they are tried in.

On behalf of NAMI NH, I ask you to vote SB 51 as ought to pass. Thank you for your consideration and I would be happy to answer any questions.

Thank you for your consideration and I would be happy to answer any questions.

Respectfully,



Kenneth Norton, LICSW  
Executive Director