

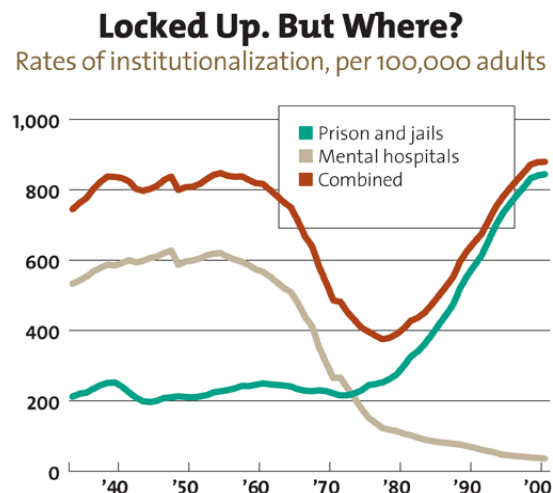
February 23, 2021

The Honorable Chairman Edward Gordon  
House Judiciary Committee  
107 North Main Street  
Concord, NH 03301

Mr. Chairman and Members of the Committee:

My name is Susan Stearns and I am the Deputy Director of NAMI New Hampshire (National Alliance on Mental Illness). On behalf of NAMI NH, I am here to testify in support of House Bill 578. In the interest of full disclosure, I volunteer as a board member for Lakes Region Mental Health Center where I have a loved one who receives services. I had the privilege to serve as a member of the Commission to Study Expanding Mental Health Courts Statewide legislatively created with the passage of Senate Bill 51 in 2019. It is upon the Commission's recommendation this legislation was drafted and introduced.

It is important to look at mental health courts in the context of the larger mental health and criminal justice system overall. A study done by Bernard Harcourt of the University of Chicago School of Law in 2011 on the institutionalization of people with mental illness found that little has changed over the past 70 years. While the number of people in hospital settings has decreased dramatically, 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. The Commission found that 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 New Hampshire. Our state currently has 10 mental health courts in 6 counties – meaning there are four counties with none at all. 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

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these local projects is commendable, this piecemeal approach has led to inequities – your access to a mental health court depends upon where you are arrested and reside.

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 the emergency department waiting for a bed at NH Hospital when they became agitated and aggressive leading to their arrest and diversion from the ED to the county house of corrections. Yesterday, there were 56 adults and 22 children waiting for an inpatient psychiatric bed. Five of those adults are waiting in correctional facilities. It should be noted that on the day prior, Sunday, there were 59 adults, five of whom were waiting in correctional facilities. It is an unfortunate reality that once an individual has landed in a county correctional facility, their wait for an inpatient bed – and appropriate psychiatric treatment – will be longer than if they were boarding in the emergency department.

When we receive calls to our Info & Resource Line from folks about their loved one being arrested, we hold our breath after asking where that person 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 the opportunity to be evaluated as to their appropriateness for an alternative sentencing program. One that could provide them with treatment and supervision, working to build a full life in their community, instead of being incarcerated.

The Commission also found that data and analysis among NH’s mental health courts varies, but what exists demonstrates the impact of these alternative sentencing programs. Data out of Hillsborough County’s Community Connections Mental Health Court has demonstrated significant cost savings – with a total of over \$450,000 saved in 2018 alone.

**Community Connections Mental Health Court | Hillsborough County, New Hampshire  
Program Statistics | CY 2010-2015 & 2018**

	2010	2011	2012	2013	2014	2015	2018
# Unique Individuals	235	309	290	302	323	346	457
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	54,788
Average # Bed Days Saved Per Unique Individual	51	92	101	97	179	181	119
Jail Days Savings (@ \$3.18/day)	\$38,726	\$90,426	\$93,721	\$92,694	\$183,372	\$198,756	\$174,226
Actual Medications Cost Saved	\$65,041	\$141,106	\$149,684	\$101,759	\$402,494	\$299,386	\$283,802
Total Savings	\$103,767	\$231,532	\$243,405	\$194,453	\$585,866	\$498,143	\$458,028

*\* 2018 medication savings based on 6 year average medication savings per day calculation rather than labor intensive traditional actual savings monitoring.*

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. I have been privileged to serve as the Coalition’s facilitator for the past 12 years. On the Coalition are individuals from the community mental health centers (CMHCs), courts (judges and clerks),

public defenders, prosecutors, family members, law enforcement, hospitals, the Office of the Forensic Examiner, homeless services providers, the VA Medical Center, and drug courts. There are two mental health court liaisons, who are employed by the two CMHCs in the county, having at any given time a combined caseload of over 100 individuals.

In developing its report and recommendations, the Commission recognized early on the need to implement statewide standards for mental health courts in NH. This will create more parity among those already in existence and help lay the foundation for development of a full complement of mental health courts statewide. This bill is a critical first step in bringing equal access to mental health courts for all justice-involved Granite Staters living with mental illness.


We know that mental health courts save money and, with appropriate standards, improve outcomes for individuals, families, and communities. Families who have walked this journey will tell you of their loved one's struggles that too often involve repeated incarcerations. They will tell you of the struggles they face trying to help their loved one – and the anguish of watching a loved one caught in the seeming revolving door of the county jail – all the while knowing your loved one needs treatment and supervision, not incarceration.

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.

For all these reasons, on behalf of families across the Granite State, I urge you to vote "out to pass" on HB 578.

Thank you.

Respectfully,

  
Susan L. Stearns  
Deputy Director