Honorable Robbin J. Stuckert
Chief Judge
DeKalb County Courthouse
133 W. State Street
Sycamore, IL 60178

RE: Illinois Supreme Court Commission on Pretrial Practices

Dear Honorable Robbin J. Stuckert:

On behalf of NAMI Chicago, a local affiliate of the National Alliance on Mental Illness (NAMI), I am pleased to submit testimony to the Illinois Supreme Court’s Commission on Pretrial Practices. NAMI Chicago is encouraged by the Illinois Supreme Court’s commitment to reforming the pretrial practices in the state, which disproportionately impact people living with mental health conditions.

Ensure Mental Health and Substance Use Treatment Will Always Be Voluntary
The Commission should recommend that mental health or substance use treatment always be voluntary when included as a condition of pre-trial release. Requiring compliance to a treatment regimen as a condition of release will lead some individuals with a mental health condition or substance use disorder to be incarcerated simply for failing to comply because as medical conditions, individuals are prone to periods of relapse. The National Institute of Corrections recommends as best practice that mental health and substance use treatment only be voluntarily imposed when recommended as conditions of pre-trial release.¹

Identify and Support Individuals with Mental Health Conditions through Pretrial Services
The Commission should encourage and support local courts, as they develop pretrial services agencies, to employ and empower trained staff that provide evidence-based universal screenings, referrals, and recommendations to the court. The goal of these services should be to divert individuals with mental health conditions from the criminal court system. Utilizing clinicians to screen individuals for diversion at the earliest possible stage in the pre-trial process is imperative to increase the likelihood of appearance at court dates and long-term stability, as is currently done in Cook County Jail.

In addition to receiving screening, all defendants who need mental health care should receive high quality mental health services in a clinically appropriate setting, whether accessed within the community or in custody pending trial.² Pretrial services must provide individualized support with person-centered services. Many individuals, particularly those with serious mental health conditions, can benefit from individualized, clinically informed case management services to ensure appearance at court dates, connect with services, and reduce future criminal court involvement. Judges also need training and guidance from the Illinois Supreme Court to successfully recognize and understand behavioral health needs of individuals who stand before them.

Build Partnerships with Community-Based Providers as Criminal Court Diversion
Roughly seventeen percent of individuals entering jails live with serious mental illness, compared to about five percent of the general population.³ Individuals living with mental health conditions are less likely to make bail or may take longer to make bail, resulting in even greater disproportionate representation of this population in

average daily jail populations. To address this stark overrepresentation, the Commission should encourage courts in the state to form strong partnerships with community-based treatment providers to connect individuals with needed mental health services throughout system involvement.

**Invest in Court Diversion Programs**
The Commission should encourage local law enforcement and municipalities to support diversion models to reduce the criminalization of mental health conditions while maintaining public safety. To achieve this goal, the Commission should advocate for expanded investment in evidence-based criminal court diversion programs in the state, which are central to protecting the civil rights of people living with mental health conditions and connecting individuals to treatment and support services. Mental health courts, for both juveniles and adults, have been proven to reduce recidivism and improve connections to mental health and other support services. Additionally, the Commission should advocate for pre-arrest diversion. For example, community triage centers, of which there are currently two in Chicago, offer law enforcement an alternative to arrest for individuals in need of mental health treatment.

**Advocate for Increased State Investment in Mental Health Treatment Services**
Discussions about pretrial best practices for individuals living with mental health conditions must acknowledge the shortage of mental health treatment options available in many communities across the state, particularly in communities of color. The Commission should advocate for increased availability of community-based mental health and substance use treatment to reduce reliance on the criminal court system, which currently acts as the largest provider of mental health services in the state. The resources spent providing services to individuals in jails would be better utilized if redirected to providing care in the community.

**Reduce All Pretrial Detention to Reduce Community Trauma**
Jails are not an appropriate treatment setting for individuals with mental health conditions. The trauma of incarceration can aggravate symptoms of mental health conditions. Incarceration for any period of time disconnects individuals from their community and support systems, and often causes the loss of housing and employment, which continues a cycle of crisis that underlies previous justice involvement. Any amount of pretrial detention increases the likelihood of future criminal activity, both pretrial and years after case disposition.

NAMI Chicago appreciates the Illinois Supreme Court’s commitment to improving pretrial practices across the state. We encourage the Court to continue collaboration with a wide range of stakeholders to develop policies that will lead to life-changing outcomes for thousands of individuals living with mental health conditions across the state. Thank you for the opportunity to provide written testimony.

Sincerely,
Rachel Bhagwat
Coordinator of Growth and Engagement
NAMI Chicago

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