



WISCONSIN SUPREME COURT  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688

John Voelker  
Director of State Courts

16 East State Capitol  
Telephone 608-261-6640  
Fax 608-267-0980

Tom Sheehan  
Amanda K. Todd  
Court Information Officers

**Note:** This column is written in recognition of May as [Mental Health Month](#).

## Wisconsin court system taking smarter approach to mental health issues

By Shirley S. Abrahamson,  
Chief Justice, Wisconsin Supreme Court

Serious mental illness may have devastating effects on individuals, families, and communities, especially when the illness is left untreated.

An estimated 3.6 million American adults have untreated severe mental illness. Of those, an estimated 200,000 are homeless and 319,000 are in jails or prisons, the *Milwaukee Journal Sentinel* reported in *Imminent Danger*, a recent series of reports on mental health-related issues.

Serious mental illness is of significant concern to the court system because, in some cases, mental illness may be an underlying factor that contributes to an individual's involvement in the criminal justice system. Unaddressed, mental illness may worsen and an offender may again become involved in the criminal justice system in a cycle that can strain resources and services without changing behavior or addressing the underlying needs of the individual.

The U.S. Bureau of Justice Statistics estimates that throughout the country nearly a quarter of state prisoners and jail inmates who had a mental health problem had served three or more prior incarcerations, compared to a fifth of prisoners and inmates who did not have mental health problems. In effect, jails and prisons have become mental health institutions.

Wisconsin is likely no exception to this trend, and the numbers are significant. A 2009 state Legislative Audit Bureau report found that as of mid-2008, 2,263 prisoners, or 10.1 percent of the state prison population had severe mental illness and another 4,694 prisoners, or 20.9 percent had some mental health need.

Recognizing the need for a smarter approach, the Wisconsin court system has been working collaboratively with mental health experts, local government, law enforcement and other justice system partners to identify and address mental health issues that affect the courts and the criminal justice system.

This month, the Office of Judicial Education offered a half-day training session to help judges understand how mental illness and co-occurring substance use disorders may be affecting individuals and the criminal justice system. *Judicial Work at the Interface of Mental Health and Criminal Justice* focused on the role of the judge in this collaborative environment, interactions with persons with mental illness and the challenges with accessing mental health care. The session was presented by the American Psychiatric Foundation and the Council of State Governments Justice Center to more than 160 Wisconsin judges as part of the 2012 Criminal Law & Sentencing Institute held in Pewaukee. The judicial training was a result of recommendations made by the Chief Justice's [Task Force on Criminal Justice and Mental Health](#), which was convened in 2010 to assess existing programs and to come up with ideas to

improve the criminal justice system's response to persons with mental illnesses. The 80-member task force, supported with a grant from the Council of State Governments Justice Center, issued an extensive [65-page report](#) on the topic in September 2010.

Other approaches to addressing mental health-related issues, such as the establishment of mental health courts, have taken root at the county level. Eau Claire County established the state's first dedicated mental health court program in 2008. The pioneering effort has served as an example for other counties interested in establishing mental health court programs. With the support of county officials and agencies, as well as a federal grant, Outagamie County is in the process of starting a mental health court program.

Mental health court programs divert from jail to treatment, people with serious mental disorders charged with misdemeanors and non-violent felonies. The court may require participants to comply with community programs for mental health and chemical dependency treatment and monitors compliance.

These are just a few of the approaches we are taking to address the issues that occur when people with serious mental health issues become involved with the criminal justice system. No doubt, the challenges are daunting. But we are setting the stage for a long-term collaborative problem-solving approach to improve public safety, our system of justice, and outcomes for individuals and families who are in great need of help.

###