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CRIME

Nashville to invest \$600K to boost mental health services in Davidson County's courts



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Nashville will invest \$600,000 on a new effort to help vulnerable misdemeanor defendants access care outside of the criminal justice system, Mayor John Cooper announced Thursday.

The funds are part of a one-year pilot program and will be administered through the Mental Health Court.

Cooper promised the funds for mental health services for the Davidson County court system as part of an ongoing collaboration with General Sessions Court Judge Melissa Blackburn.

The announcement was linked with the release of a task force report that outlines recommendations on how to build a program to address a services funding gap.

Blackburn worked with District Attorney General Glenn Funk and Public Defender Martesha Johnson, as well as a mayoral task force, to find ways to help a small population of people who end up the revolving door of the criminal justice system.

"Many of us who serve in a criminal justice system came together with the understanding of a simple truth: Our system isn't working, either for those with mental illness, or public safety," Blackburn said Thursday. "I believe those of us whose positions are at the intersection of criminal justice and human health have a responsibility."

Defendants incompetent for trial

A narrow but consistent population of defendants are the focus of the task force's research.

To stand trial and face charges, a defendant must be able to understand the court process and assist counsel, which includes rational decision making and the ability to systematically

weigh alternatives.

But not everyone charged with a crime meets those standards.

When there is a question of temporary or permanent incompetence for trial, the courts can order a defendant be evaluated. In Nashville, they'll be seen by a forensic evaluation team at Vanderbilt University Medical Center.

In theory, some of those defendants could have their competency restored, through medication or therapeutic services.

But for misdemeanor defendants, the process stops there.

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The state of Tennessee used to fund the next level of evaluation for all defendants, including a stay at a hospital where a more thorough assessment and basic treatment could be completed.

Now, the state only funds that treatment for felony defendants.

In 2009, state law changed to require local governments to fund the second part of the evaluation on misdemeanor cases. Metro Nashville does not currently operate a facility with the capacity to do this work.

Stuck in revolving door

Most people who come through the criminal justice system are facing misdemeanor charges, according to the Davidson County District Attorney's office.

At the same time, the largest population of defendants considered incompetent to face charges are those arrested on misdemeanors.

The Davidson County Sheriff's Office gives a mental health assessment to all defendants when booked. About 30% are determined to have some level of mental illness, the office estimates.

That assessment doesn't look at the legal definition of competence, but it matches up enough to be a useful statistic, the sheriff's office has previously said. Blackburn on Thursday told

The Tennessean she may sign approximately 20 orders for evaluation a month, of which about 75% of defendants would be found to be competent.

Cooper's senior policy advisor Dia Cirillo confirmed the funds will be split between direct assistance to the defendants and staffing needs to assist them.

About \$360,000 will go to competency restoration services with the remaining, about \$250,000, will go to staffing needs for the new approach.

The funding is set to be in the fiscal year 2023 budget.

Nashville's Task Force on Competency and Wellbeing, formed by Blackburn in September 2022, did a census and further data analysis of the cases in question.

Many of the defendants who get caught in the "revolving door" of low-level charges are "multi-barriered," according to a report from the task force released Thursday, and may face homelessness or other complicating factors to their cases.

"Most of these individuals return frequently to the jail with new charges," the report found. "Staff hired into positions providing discharge planning need to understand that this is a long-term commitment to working with these individuals in the court in order to stabilize them outside of the criminal justice system."

Investment is 'first-of-its-kind'

Cooper praised the new effort.

"Today's first-of-its-kind investment will be critical in getting people struggling with mental health conditions the services and aid they need, and will allow our law enforcement and criminal justice system to focus on keeping Nashville families safe and reducing crime across the city," Cooper said in a statement.

"These new resources will help us connect individuals who are homeless with the help they need to be healthy and stay off the streets. This frees up our court system to be more effective, and tax dollars to be spent more efficiently."

The task force's recommendations require a collaboration between the courts, public health, medical professionals and the police department.

During the pilot program, Vanderbilt University Medical Center will handle the training and treatment of the defendants. Blackburn confirmed. She said that if, as she hopes, the

program is extended beyond one year, the service provider will most likely be chosen through a bidding process.

In a recent interview with *The Tennessean*, Funk said collaboration with partners was key in finding a way to get assistance to these defendants without keeping them locked behind bars against their will.

"Nashville is not going to ignore this problem anymore," he said Thursday at the news conference. "I'm proud to live in a city where we are dedicating resources — not from the state, not from the federal government — we are investing our own money to support our own citizens and the safety of our own community."

Johnson said her clients are often those most caught in the services and funding gap, and it's her duty to see the system does right by them.

"This investment itself allows us the opportunity to recognize that the way we've done it in the past hasn't been successful," she said at Thursday's announcement. "We want to try to help people and humanize the issues that they face, rather than putting them through this very harsh criminal legal system that is not going to cure the issue.

The new effort joins ongoing pushes from Metro and the sheriff to both reroute people experiencing mental health crises from harmful interactions with law enforcement and to help people leaving jail reenter successfully.

The task force's recommendations included best practices training from the federal Substance Abuse and Mental Health Services Administration's GAINS Center for Behavioral Health and Justice Transformation.

Blackburn on Thursday told *The Tennessean* she hopes the continued focus on new approaches to defendants with mental health care needs will spread throughout the courthouse to better help them going forward.

Blackburn, Funk and Johnson are all up for reelection in the ongoing Davidson County primary election. Early voting runs through April 28. Election day is May 3.

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