

Where We Stand:

NAMI believes in minimizing justice-system response to people with mental illness, while ensuring that any interactions preserve health, well-being and dignity. NAMI supports the use of problem-solving courts as part of a broad strategy to reduce incarceration and promote diversion from further involvement in the criminal justice system for people with mental illness.

Why We Care:

People with mental illness and substance use disorders (SUDs) are overrepresented in our nation's jails and prisons. An estimated [44%](#) of people in jails and [37%](#) of people in prisons have a mental illness, and an estimated [65%](#) of people in prisons have an underlying SUD. In the veterans' community, [55%](#) of the nearly 50,000 veterans incarcerated in local jails report experiencing a mental illness.

Mental illness is not a crime, but untreated symptoms and limited access to care lead many to involvement with the criminal justice system. Many of these individuals are held for committing non-violent, minor offenses and misdemeanors resulting from the symptoms of untreated illness (disorderly conduct, loitering, trespassing, disturbing the peace) or for offenses like shoplifting and petty theft.

Problem-solving courts (also known as specialty courts) are specialized dockets within the criminal justice system that seek to address underlying mental health or SUD that contribute to the commission of certain criminal offenses in many cases, often providing treatment rather than punishment. The most common types of problem-solving courts are drug treatment, mental health and veterans treatment courts, although there are other specialty court dockets that may vary by state or county. Through these problem-solving courts, judges, prosecutors, defense attorneys, mental health providers and community partners collaborate to provide treatment in the community as an alternative to being charged and possibly convicted of a criminal offense that could result in incarceration.

As of 2020, there are an estimated [477](#) adult mental health courts and [56](#) juvenile mental health courts, along with approximately [3,500](#) drug treatment courts and [461](#) veterans treatment courts in the U.S. Most programs are only for those who face misdemeanor or nonviolent felony charges, but more recently, jurisdictions have explored courts for additional charges.

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Problem-solving courts can be life changing for people with mental illness or SUDs who become involved in the criminal justice system. [Veterans courts](#) and [drug courts](#) show similar outcomes for participants. Mental health courts have been associated with [reduced recidivism](#) and incarceration, and can even [improve](#) mental health outcomes. There is [some evidence](#) that including case management and connection to services, such as housing and employment, increase the likelihood of success for participants of specialty courts.

To learn more about NAMI's work on this issue, visit
www.nami.org/Advocacy/Policy-Priorities