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## **Legislature working on ways to deal when mentally ill, the law cross paths**

By JOSEPH G. COTE Staff Writer

NASHUA – Nashua District Court isn't the only place where the fate of mentally ill people and their interaction with police and courts is a topic of discussion.

It's become a big enough problem that it's on the radar of New Hampshire decision-makers, including legislators and the state's top judge.

"There's lots of good talk going on and some movement," said Hillsborough County Attorney Marguerite Wageling.

Wageling said she's long been a supporter of innovative and "holistic" approaches to dealing with mentally ill people in the justice system, as opposed to simply tossing them in a jail cell.

One of the new approaches she's a fan of is mental health courts like the one at Nashua District Court, and Wageling said she hopes a similar system can be established at higher courts throughout the state.

"It's approached from a more healthy mental health standpoint," she said. "Quite often it brings a number of the really important players to the table right away."

While there's action at the Statehouse, it's mostly been to study the issue further.

House Bill 171 would establish a statewide commission to study and evaluate the existing mental health courts – in Nashua, Keene and Portsmouth – and would establish the standards for running future courts.

The bill's main sponsor is Nashua Rep. Cindy Rosenwald, who is also the co-chairman of the Commission to Develop a Comprehensive State Mental Health Plan.

"Most people think they're terrific, but there is no standard, and there is no evaluation of the outcomes," Rosenwald said. "Some attorneys have a concern that they're too coercive, that defendants' due process (rights) aren't protected."

Rosenwald's bill was passed by the legislature and is awaiting the governor's signature.

Rosenwald said she's a big supporter of the mental health court model – especially Nashua's, which she has studied to some extent – but still wants to see hard data.

"I think we're seeing . . . that the approach to treat mental illness is working. It's keeping

people out of the system. Not only is it more humane, but it's a better use of resources," she said. "I just think it's responsible to take a look and see 'Are we doing this the right way?' "

The commission would be expected to, among other things, establish participation criteria, including what offenses should qualify a defendant for mental health courts and whether a person would need to plead guilty to participate. It would also take up appropriate penalties for failing treatment programs and protecting participants due process rights, according to the bill.

The commission would submit an initial report to the legislature by November 1, 2009, and a final report by Nov. 1, 2010, according to the bill.

Other bills address the mental health court only peripherally.

The House quashed House Bill 645-FN, which would have required police officers to complete a certain amount of mental health training. It would have required the New Hampshire Police Standards and Training Council to develop an advanced curriculum to specialized crisis intervention teams, according to the bill.

The bill's main sponsor, Chester Rep. Gene Charron, lives near the state's first crisis intervention team that 12 officers from the Rochester and Portsmouth police departments formed earlier this year.

The team is specially trained to respond to individuals in the throes of a mental health crisis. The officers received training in things like suicide prevention, personality disorders and de-escalation skills, according to the Rochester Police Department's Web site.

Another bill, House Bill 214, which has been signed into law, tackles another aspect how people with mental illness interact with the criminal justice system, namely jails and prisons. The bill established another study committee to look at the health-care services and regulation of prescription medication stoppages at the state's correctional facilities.

It also requires the superintendent of county jails to evaluate a prisoner's health before discontinuing the prisoner's medications. It also allows certain health and mental health and social service workers to access prisoners at jails and prisons, according to the bill.

The commission will produce annual reports, including suggested legislation, to the legislature by Nov. 1, according to the bill.

House Bill 621, authored by Hopkinton Rep. Christine Hamm, seeks to establish procedures to identify defendants with mental illness and new procedures for assigning those defendants a lawyer.

The House has passed it, too, but the Senate referred it to a committee.

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