

## Mental Health Courts and Their Selection Processes: Modeling Variation for Consistency

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**Abstract** Admission into mental health courts is based on a complicated and often variable decision-making process that involves multiple parties representing different expertise and interests. To the extent that eligibility criteria of mental health courts are more suggestive than deterministic, selection bias can be expected. Very little research has focused on the selection processes underpinning problem-solving courts even though such processes may dominate the performance of these interventions. This article describes a qualitative study designed to deconstruct the selection and admission processes of mental health courts. In this article, we describe a multi-stage, complex process for screening and admitting clients into mental health courts. The selection filtering model that is described has three eligibility screening stages: initial, assessment, and evaluation. The results of this study suggest that clients selected by mental health courts are shaped by the formal and informal selection criteria, as well as by the local treatment system.

**Keywords** Mental health courts · Admission processes · Selection bias

Over the last 30 years, problem-solving courts have shifted the criminal court's focus from criminal processing to therapeutic healing (Casey & Rottman, 2003). Mental health courts, one type of problem-solving courts, are diversion interventions designed to engage defendants with mental illnesses in treatment in lieu of incarceration (Wolff, 2003). These courts have grown in popularity in recent years, with over 170 currently being in operation throughout the United States. For perspective, there are nearly 2500 drug courts in operation in the United States (<http://www.ndci.org>). The political appeal as well as diffusion of these courts is being fueled in part by favorable, albeit speculative, performance evidence. The "evidence" inclusive of numerous descriptive accounts, anecdotal assessments, and quasi-experimental studies describes modest but uneven positive outcomes associated with participation in mental health courts (Almquist & Dodd, 2009; Center for Behavioral Health Services and Criminal Justice Research, 2009). Interpreting this evidence is challenging because it is unclear with regard to the extent to which the improved outcomes can be attributed to the mental health court intervention itself, its process for selecting clients, or some combination of these and other unmeasured factors.

Admission into mental health courts is based on a complicated and often variable decision-making process that involves multiple parties representing different expertise and interests (e.g., judges, prosecutors, defense attorneys, victims, clients, clinicians, etc.) (Wolff, 2002; Wolff & Pogorzelski, 2005). The mere reason that a defendant has a combined criminal charge and mental illness falling within the court's eligibility criteria is not sufficient to determine admission into the court. Likewise, the fact that a criminal charge and/or mental illness (of a defendant) fall outside the court's eligibility criteria is not

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