



MINNESOTA JUDICIAL BRANCH
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Representative Heather Edelson
549 State Office Building
St. Paul, MN 55155

Senator David Senjem
3401 Minnesota Senate Bldg.
St. Paul, MN 55155

Dear Representative Edelson and Senator Senjem:

I write on behalf of the Minnesota Judicial Council, the administrative policymaking body for the Judicial Branch, to express our concerns with HF 2725/SF 3395; Competency provisions established relating to trial and other programs. While we applaud legislative efforts to address the serious mental health issues facing our criminal justice system, the Judicial Council does not support establishing a forensic navigator program within the Judicial Branch.

Under the proposed legislation, forensic navigators will be charged with providing assistance to criminal defendants, as well as advice to the defendant, prosecutor, defense counsel, and the court. Forensic navigators will be conducting independent research and interviews, monitoring defendants' progress and compliance with court-ordered conditions, and reporting their findings and recommendations to the court.

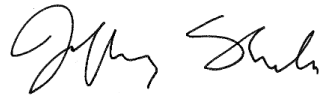
Having forensic navigators be employees of the courts will present a conflict of interest or appearance of a conflict of interest for the Judicial Branch. Individuals who serve as parties to a case and who are responsible for making objective and independent reports to a court should not also be employed by a court.

The Legislature previously endorsed this principle in 2010, when it transferred oversight of Guardians ad Litem – who play a similar role to forensic navigators in juvenile and family courts – from the Judicial Branch to an independent state board. The Judicial Branch asks the Legislature to continue to adhere to this principle as it considers establishing a forensic navigator program.

The Judicial Branch believes that forensic navigators are better housed in a social service agency that has experience and expertise to navigate both the criminal justice and mental health delivery systems. As stated in the Minnesota Competency Restoration Taskforce Report, “Forensic navigators are generally employed by the human services division of a state and act as intermediaries for people who must navigate both the mental health and criminal justice systems.”

The Judicial Branch is committed to working with justice partners, treatment providers, and interest groups to address gaps in Minnesota’s criminal and mental healthcare systems. We look forward to working with the Legislature and community stakeholders to address the mental health needs of those who intersect with the criminal justice system.

Sincerely,



- c.c. Representative Jamie Becker-Finn, Chair, House Judiciary Finance and Civil Law Committee
Representative Carlos Mariani, Chair, House Public Safety and Criminal Justice Reform Finance and Policy Committee
Senator Warren Limmer, Chair, Senate Judiciary and Public Safety Finance and Policy Committee
Representative Jennifer Schultz, Chair, House Human Services Finance and Policy Committee
Senator Jim Abeler, Chair, Senate Human Services Reform Finance and Policy Committee
Sue Abderholden, MPH, Executive Director, NAMI Minnesota