



THE SUPREME COURT OF TEXAS

THE TEXAS COURT OF CRIMINAL APPEALS

Judicial Commission on Mental Health

January 31, 2020
Meeting Notebook

The State Bar of Texas – Texas Law Center
1414 Colorado Street
Austin, Texas 78701

Judicial Commission on Mental Health

January 31, 2020
Meeting Notebook

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Judicial Commission on Mental Health

State Bar of Texas, Texas Law Center, Austin, Texas

January 31, 2020

AGENDA

9:30 Welcome and Announcements

**Hon. Jane Bland
Hon. Barbara Hervey**

9:40 Commissioner Updates

11:10 Break

11:20 Presentation

Dr. Tony Fabelo

Why Numbers are Critical to Improve Implementation of Policies
Highlight on The National Stepping Up Initiative

12:00 Lunch

12:30 Executive Director Report

Kristi Taylor

1. Budget

Patrick Passmore

2. JCMH Projects by the Strategic Plan

Collaborate

- i. Legislative Research Committee
- ii. Supreme Court SB 362 Task Force

**Hon. Bill Boyce
Hon. Brent Carr**

Educate

- i. Bench Book
- ii. Summit
- iii. Jurist in Residence
- iv. Mental Health Code Book

**Hon. Camile DuBose
Emily Miller/Hon. Brent Carr
Hon. John Specia (Ret.)
Kristi Taylor**

Lead

- i. Mental Health Court Support
- ii. Mental Health Court Grants

Kristi Taylor

1:15 HHSC Updates

Texas Forensic Implementation Team Update

Comm'r. Sonja Gaines

Comm'r. Mike Maples

Asst. Comm'r. Harvey

2:00 Collaborative Council Highlight

Judge Rita Noel

2:15 Announcements from Collaborative Council

2:30 Adjourn

Insert Tab 2

JUDICIAL COMMISSION ON MENTAL HEALTH COMMISSIONERS

Hon. Jane Bland, Co-Chair

Justice
Supreme Court of Texas

Hon. Barbara Hervey, Co-Chair

Judge
Texas Court of Criminal Appeals

Bill Boyce, Vice-Chair

Former Justice
Fourteenth Court of Appeals
Alexander, Dubose & Jefferson, LLP

Camille Cain

Executive Director
Texas Juvenile Justice Department

Hon. Brent Carr

Judge
Tarrant County, Criminal Court No. 9

Terry Crocker

Chief Executive Officer
Tropical Texas Behavioral Health

Gerald Davis

President and CEO
Goodwill Industries of Central Texas

Hon. Francisco Dominguez

Judge
El Paso County, 205th Judicial District Court

Hon. Camile DuBose

Judge
Medina County, 38th Judicial District

Dr. Tony Fabelo

Senior Fellow for Justice Policy
Meadows Mental Health Policy Institute

Sonja Gaines

Deputy Executive Commissioner for Intellectual and Developmental Disability and
Behavioral Health Services
Texas Health and Human Services Commission

JUDICIAL COMMISSION ON MENTAL HEALTH COMMISSIONERS

Hon. Ernie Glenn

Drug Court Magistrate
Bexar County

Hon. Sid Harle

Judge
4th Administrative Judicial Region

Courtney Hjaltman

Policy Advisor
Office of the Governor

Hon. Joan Huffman

Senator, District 17
Texas Senate

Dr. Andrew Keller

President and CEO
Meadows Mental Health Policy Institute

Adrienne Kennedy

President
National Alliance on Mental Illness

Hon. M. Sue Kurita

Judge
El Paso County Court at Law No. 6

Beth Lawson

Chief Executive Officer
StarCare Specialty Health System

Major Mike Lee

Mental Health & Jail Diversion Bureau
Harris County Sheriff's Office

Mike Maples

Deputy Executive Commissioner for Health and Specialty Care System
Texas Health and Human Services Commission

Dr. Octavio Martinez

Executive Director
Hogg Foundation for Mental Health

Hon. Stacey Mathews

Judge
Williamson County, 277th District Court

JUDICIAL COMMISSION ON MENTAL HEALTH COMMISSIONERS

Chief James McLaughlin

Executive Director
Texas Police Chiefs Association

Beth Mitchell

Supervising Attorney
Disability Rights Texas

Tom Mitchell

Director of Jail Diversion Services
The Harris Center for Mental Health and IDD

Hon. Joe Moody

Representative, District 78
Texas House of Representatives

Hon. Roxanne Nelson

Justice of the Peace
Burnet County Precinct 1

Hon. Robert Newsom

Judge
Hopkins County

Denise Oncken

Bureau Chief
Harris County District Attorney, Mental Health Bureau

Hon. Harriet O'Neill

Justice (Ret.)
Harriet O'Neill Law Office

Dr. William Schnapp

Mental Health Policy Advisor
Harris County

Prof. Brian Shannon

Paul Whitfield Horn Professor
Texas Tech University School of Law

Reginald Smith

Policy Analyst
Texas Criminal Justice Coalition

Hon. Polly Jackson Spencer

Judge (Ret.)
Bexar County, Probate Court No. 1

**JUDICIAL COMMISSION ON MENTAL HEALTH
COMMISSIONERS**

Hon. Cynthia Wheless

Judge

Collin County, 417th Judicial District Court

JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

Hon. Mark Allen

Judge
Jasper County

M. Connie Almeida, PhD

Licensed Psychologist
Director of Behavioral Health Services
Fort Bend County

Trey Apffel

Executive Director
State Bar of Texas

David Aronofsky

Professor
American Law Institute

Hon. Mark Atkinson

Chief Executive Officer
Texas Center for the Judiciary

Dr. Virginia Brown

Assistant Professor, Dept. of Population Health
Dell Medical School, The University of Texas at Austin

Geoff Burkhart

Executive Director
Texas Indigent Defense Commission

Hon. Nelda Cacciotti

Judicial Staff Counsel/Mental Health Magistrate
Tarrant County

Angel Carroll

Emerging Adult Policy Associate
Lone Star Justice Alliance

Seth Christensen

Director of Stakeholder Relations
Texas Juvenile Justice Department

Hon. Rex Davis

Justice
Tenth Court of Appeals

JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

Leah Davies

Project Manager, Strategic Health Alliance
Texas Center for Disability Studies
University of Texas at Austin

Scott Ehlers

Special Counsel
Texas Indigent Defense Commission

Alyse Ferguson

Chief Attorney
Collin County Mental Health Managed Counsel

Lesli Fitzpatrick

Attorney
The Law Office of Lesli R. Fitzpatrick

Gilbert Gonzales

Director
Department of Behavioral and Mental Health
Bexar County

Greg Hansch

Executive Director
NAMI Texas

Dr. Courtney Harvey

State Mental Health Coordinator & Associate Commissioner
Office of Mental Health Coordination
Texas Health and Human Services Commission

Hon. Bonnie Hellums

Judge (Ret.)
247th Family District Court, Harris County

Elizabeth Henneke

Executive Director
Lone Star Justice Alliance

Colleen Horton

Policy Program Officer
Hogg Foundation for Mental Health

Angelita Hunter

Municipal Court Supervisor
City of McKinney Municipal Court

JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

Trina K. Ita

Associate Commissioner
Medical & Social Services (MSS) Division, Behavioral Health Services
Texas Health and Human Services Commission

Hon. David Jahn

Associate Judge
Denton County Probate Court

Lee Johnson

Deputy Director
Texas Council of Community Centers, Inc.

Windy Johnson

Program Manager, IGR
Texas Conference of Urban Counties

Louise Joy

Attorney
Joy & Young, LLP

Hon. Evelyn Keyes

Justice
First Court of Appeals

Chris Lopez

Assistant General Counsel
HHSC State Hospital

Mike Lozito

Judicial Services Director
Bexar County

Trish McAllister

Executive Director
Texas Access to Justice Commission

Jennifer Yip Marshall

Survivors of Trafficking Empowerment
Program (STEP) Supervisor
Refugee Services of Texas

Hon. Lela Mays

Magistrate Judge
Successful Treatment of Addiction through Collaboration (STAC)
Criminal District Court

JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

Joanna Mendez

Community Wellness Counselor
Refugee Services of Texas

Hon. Kirk D. Noaker, Sr.

Magistrate's Office
Burnet County

Hon. Rita Noel

Justice of the Peace, Pct. 4
Grayson County

Allen Place

Head Lobbyist
Texas Criminal Defense Lawyers Association

Shea Place

Lobbyist
Texas Criminal Defense Lawyers Association

Hon. Daphne Previti

Former Judge, 289th District Court
The Law Office of Shawn C. Brown, P.C.

Terry Qualls

Crisis Intervention Coordinator
McKinney Police Department

Janis Reinken

Chief Clerk
House Committee on Corrections

Michelle Romero

Associate Director
Texas Medical Association

Melissa Schank

Executive Director
Texas Criminal Defense Lawyers Association

Jonas Schwartz

Program Manager
Texas Workforce Commission

JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

Brigid Sheridan

Associate General Counsel
University Health System

Matt Smith

Assistant Executive Director/
Director of Mental Health Services
Williamson County Juvenile Services

Lt. Scott Soland

Fort Bend County Sheriff's Office

Jeanne Stamp

Director
Texas Homeless Education Office

Hon. Charles Stephens

Judge
Comal County Court at Law No. 2

Gloria Terry

Chief Executive Officer
Texas Council on Family Violence

Rick Thompson

Senior Legislative Manager
Texas Association of Counties

Hon. Ryan Kellus Turner

General Counsel and Director of Education
Texas Municipal Courts Education Center

Keona Ugwuh

Community Supervision Officer
Dallas County

Sally Uncapher

Attorney
Bexar County District Attorney's Office

Julie Wayman

Mental and Behavioral Health Manager, Interagency Liaison
Texas Education Agency

Nicole Weaver

Child Protective Services Mental Health Specialist
Texas Department of Family and Protective Services

JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

Thea Whalen

Executive Director
Texas Justice Courts Training Center

Dee Wilson

Texas Correctional Office on Offenders with
Medical or Mental Impairments

Sheriff Dennis Wilson

Limestone County
Sheriff's Association of Texas

Sgt. Robyn Wilson

Law Enforcement Division
Texas Attorney General's Office

Steve Wohleb

Senior Vice President/General Counsel
Texas Hospital Association

Brandon Wood

Executive Director
Texas Commission on Jail Standards

Christine Yanas

Director of Governmental Affairs
Methodist Healthcare Ministries

April Zamora

Director, Reentry and Integration Division
Texas Correctional Office on Offenders with Medical or Mental Impairments
Texas Department of Criminal Justice

Insert Tab 3

**JUDICIAL COMMISSION ON MENTAL HEALTH
MINUTES OF MEETING
August 16, 2019
9:30 a.m. – 2:30 PM
State Bar of Texas – Texas Law Center
Austin, Texas**

Commissioners	Attended	Did Not Attend
Hon. Eva Guzman, Co-Chair, Supreme Court of Texas	✓	
Hon. Barbara Hervey, Co-Chair, Texas Court of Criminal Appeals	✓	
Hon. Bill Boyce, Vice Chair, Alexander, Dubose, & Jefferson, LLP	✓	
Camille Cain, Executive Director, Texas Juvenile Justice Department		✓
Hon. Brent Carr, Judge, Tarrant County, Criminal Court No. 9	✓	
Terry Crocker, Chief Executive Officer, Tropical Texas Behavioral Health	✓	
Gerald Davis, President and CEO, Goodwill Industries of Central Texas		✓
Hon. Francisco Dominguez, Judge, El Paso County, 205th Judicial District Court		✓
Hon. Camile DuBose, Judge, Medina County, 38th Judicial District		✓
Dr. Tony Fabelo, Senior Fellow for Justice Policy, Meadows Mental Health Policy Institute	✓	
Sonja Gaines, Deputy Executive Commissioner for Intellectual and Developmental Disabilities		✓
Hon. Ernie Glenn, Drug Court Magistrate, Bexar County	✓	
Hon. Sid Harle, 4 th Administrative Judicial Region	✓	
Courtney Hjaltman, Policy Advisor, Office of the Governor		✓
Hon. Joan Huffman, Senator, District 17, Texas Senate		✓
Dr. Andrew Keller, President and CEO, Meadows Mental Health Policy Institute		✓
Adrienne Kennedy, President, National Alliance on Mental Illness	✓	
Hon. M. Sue Kurita, Judge, El Paso County Court at Law No. 6	✓	
Beth Lawson, Chief Executive Officer, StarCare Specialty Health System	✓	
Major Mike Lee, Mental Health & Jail Diversion Bureau, Harris County Sheriff's Office	✓	
Mike Maples, Deputy Executive Commissioner for Health and Specialty Care System		✓
Dr. Octavio Martinez, Executive Director, Hogg Foundation for Mental Health	✓	
Hon. Stacey Mathews, Judge, Williamson County, 277th District Court		✓
Chief James McLaughlin, Executive Director, Texas Police Chiefs Association	✓	
Beth Mitchell, Supervising Attorney, Disability Rights Texas		✓
Tom Mitchell, Director of Jail Diversion Services, The Harris Center for Mental Health/IDD	✓	
Hon. Joe Moody, Representative, District 78, Texas House of Representatives		✓
Hon. Roxanne Nelson, Justice of the Peace, Burnet County Precinct 1	✓	
Hon. Robert Newsom, County Judge, Hopkins County		✓
Denise Oncken, Bureau Chief, Harris County District Attorney, Mental Health Bureau	✓	
Hon. Harriet O'Neill, Justice (Ret.), Harriet O'Neill Law Office		✓
Dr. William Schnapp, Mental Health Policy Advisor, Harris County		✓
Prof. Brian Shannon, Paul Whitfield Horn Professor, Texas Tech University School of Law	✓	
Reginald Smith, Policy Analyst, Texas Criminal Justice Coalition		✓
Hon. Polly Jackson Spencer, Judge (Ret.), Bexar County Probate Court	✓	
Hon. Cynthia Wheless, Judge, Collin County, 417th Judicial District Court		✓

	Attended	Did Not Attend
Collaborative Council		
Hon. Mark Allen		✓
Dr. Connie Almeida		✓
David Aronofsky	✓	
Hon. Mark Atkinson		✓
Dr. Virginia Brown		✓
Geoff Burkhart		✓
Hon. Nelda Cacciotti	✓	
Angel Carroll		✓
Seth Christensen		✓
Hon. Rex Davis		✓
Leah Davies		✓
Alyse Ferguson	✓	
Lesli Fitzpatrick	✓	
Gilbert Gonzales		✓
Greg Hansch	✓	
Dr. Courtney Harvey	✓	
Hon. Bonnie Hellums	✓	
Elizabeth Henneke	✓	
Colleen Horton		✓
Angelita Hunter		✓
Trina K. Ita	✓	
Hon. Dave Jahn	✓	
Lee Johnson	✓	
Windy Johnson		✓
Louise Joy		✓
Hon. Evelyn Keyes	✓	
Chris Lopez	✓	
Mike Lozito		✓
Trish McAllister		✓
Jennifer Marshall	✓	
Hon. Lela Mays		✓
Joanna Mendez		✓
Hon. Rita Noel		✓
Allen Place		✓
Shea Place		✓
Hon. Daphne Previti	✓	
Terry Qualls	✓	
Janis Reinken		✓
Michelle Romero		✓
Melissa Schank		✓
Jonas Schwartz	✓	
Dr. Brigid Sheridan		✓

	Attended	<i>Did Not Attend</i>
Matt Smith	✓	
Lt. Scott Soland	✓	
Jeanne Stamp	✓	
Hon. Charles Stephens	✓	
Gloria Terry	✓	
Rick Thompson		✓
Haley Turner		✓
Hon. Ryan Turner		✓
Sally Uncapher		✓
Keona Ugwuh		✓
Nicole Weaver	✓	
Dee Wilson		✓
Dennis D. Wilson		✓
Steve Wohleb		✓
Julie Wayman		✓
Brandon Wood		✓
Chris Yanas		✓
April Zamora	✓	

Attending Committee Members and Guests

- Sonja Burns
- Mic Davis
- Dr. Lynda Frost
- Kathleen Casey-Gamez
- Kevin Garrett
- Aaryce Hayes
- Ramey C. Heddins
- Lee Hernandez
- Jim LaRue
- John Petrila
- Katy Jo Munice
- Raoul Schonemann
- Claudia Vargas
- Amanda Vasquez
- John Woodley

Attending JCMH Staff

- Kristi Taylor, Executive Director
- Regan Metteauer, Staff Attorney
- Emily Miller, Staff Attorney
- Belinda Swan, Executive Assistant

Attending Children's Commission Staff

Tina Amberboy
Monica Mahoney

Attending Court of Criminal Appeals Staff

Alex Comsudi
Megan Molleur

Welcome and Announcements

Justice Eva Guzman called the meeting to order and welcomed everyone in attendance. She thanked the Commission and the Commission's stakeholders for their work and their dedication to mental health issues. She noted that Chief Justice Hecht recently attended the nationwide Conference of Chief Justices, and that at the top of the list of important issues was mental health. She also noted that Austin will host the Southern Regional Meeting on Mental Health for the Conference of Chief Justices in May of 2020.

Justice Guzman then thanked Judge Barbara Hervey for her tremendous job co-leading efforts with Justice Jeff Brown. She also thanked Justice Bill Boyce and Executive Director Kristi Taylor for their continued leadership.

Judge Barbary Hervey thanked Justice Guzman for her comments and welcomed everyone in attendance for their efforts and for their drive to help the state of Texas address the important topic of mental health.

Judge Hervey then acknowledged the recent tragedy in El Paso, Texas. She noted that the Commission's thoughts and prayers are with those affected. She recognized Commissioners Judge Francisco Dominguez and Judge M. Sue Kurita, both from El Paso, and noted that although Judge Dominguez could not attend, he shared that he deeply and greatly appreciated the love and compassion that our fellow Texans have expressed. Judge Hervey then introduced Judge Kurita.

Judge M. Sue Kurita thanked everyone for their prayers. She noted that perhaps the efforts of the Commission will include working together to help make people aware of potential red flags that may help to prevent future tragedies. She thanked the Courts for the opportunity to participate on the Commission and for having the foresight to address mental health issues.

Judge Hervey thanked Judge Kurita for her comments. She then introduced the Texas Mental Health Resource Guide, compiled and made available by the Texas Court of Criminal Appeals. She recognized Grants Attorney Megan Molleur, Briefing Attorney Alex Comsudi, and Intern James Follett for their diligence and noted that the Guide provides mental health resource information for each of Texas' 254 counties. An online version is available on the Court's website, and an email address is available in the Guide to contribute information for inclusion in the Guide.

Online: <https://www.txcourts.gov/media/1444700/texas-mental-health-resource-guide-email-corrected-09092019.pdf>

E-mail address: mentalhealthresource@txcourts.gov

HHSC Updates

Trina K. Ita, Associate Commissioner, Behavioral Health Services, Texas Health and Human Services Commission (HHSC), provided an HHSC program update.

She noted that the agency's behavioral health section received roughly 150 million dollars appropriated through the legislative session for both mental health and intellectual and developmental disabilities. Additionally, HHSC has been charged with full implementation or partial implementation of approximately 19 bills and riders that were passed during the 86th regular legislative session. Of note, the agency was given level funding for some grant programs, including those related to jail diversion.

HHSC also received funding to operate an additional 50 inpatient beds, as well as funding to increase outpatient capacity. The agency is in the initial phase of implementation for all of these activities and initiatives and will have more to report at the next Commission meeting.

Ms. Ita also provided an overview of HHSC's Disaster Behavioral Health Team, which has been providing services in the El Paso area in response to the recent tragedy. She noted that incidents such as mass violence impact entire communities sometimes for years after the incident. As such, it is common for individuals involved at various levels of the incident to experience emotional distress, anxiety, and different depression-like symptoms; at risk of emotional distress are survivors, family members, friends, first responders, recovery workers, and community members. The Team is equipped to connect stakeholders when a mass casualty incident occurs and will contact the local mental health authority for logistical support. In this instance, it was Emergent Health Network, whom Ms. Ita noted has done a phenomenal job coordinating and working with everyone involved to provide classes, counseling, and a variety of support services. Ms. Ita noted that the Team's work is ongoing and will be for some time.

Judge Hervey then introduced JCMH Staff Attorney Emily Miller. Emily joined the Commission in June of this year. She previously served as a law clerk for Judge Meyers on the Court of Criminal Appeals. She has also worked as an assistant district attorney for the Bexar County District Attorney's Office assigned to the Family Justice and Victim Protection Division, and in the Chief Disciplinary Council's Office with the Texas State Bar.

Judge Hervey also introduced two new JCMH Collaborative Council members. Hon. Bonnie Hellums currently serves as a visiting judge and previously served as a judge of the 247th Family District Court in Harris County for 20 years. She is also a former Commissioner of the Children's Commission. Also joining the Collaborative Council is Nicole Weaver, CPS Mental Health Program Specialist with the Texas Department of Family and Protective Services. Ms. Weaver conducts training, assists field staff in complex cases, and coordinates with community stakeholders. Prior to joining the department, she served as a dual diagnosis substance use mental health therapist in the state of Pennsylvania.

Legislative Update

Justice Bill Boyce provided an overview of three bills that have been the focus of discussion and attention by both the JCMH and the Texas Judicial Council. Detailed summaries of Senate Bill 362, Senate Bill 562, and House Bill 601 can be found on the JCMH website:

<http://www.texasjcmh.gov/publications/resources/86th-legislative-session-jcmh-legislative-summaries/>

Justice Boyce also acknowledged and expressed appreciation for all of the Commission's legislative partners involved in the process, especially Senator Joan Huffman, for her efforts to address these challenging issues.

Executive Director Report

Kristi Taylor provided an overview of resources that the JCMH staff have developed.

A list of mental health legislation organized by intercept can be found on the JCMH website:

<http://www.texasjcmh.gov/media/1651/legislative-summary.pdf>

A more detailed summary of each bill related to mental health can also be found on the JCMH website:

<http://www.texasjcmh.gov/media/1646/86th-legislature-bill-summaries-final.pdf>

Kristi added that the Commission welcomes any feedback or suggestions related to these items.

She also noted that the Commission's participation in the National Alliance on Mental Illness' (NAMI) annual convention in Seattle was a success.

Adrienne Kennedy, President of the National Alliance on Mental Illness, added that the Commission's session at the NAMI annual convention garnered praise from leaders across the nation. She thanked the Courts for their commitment and leadership to mental health issues and noted that Texas continues to be a leader in the field. NAMI's 2020 convention will be held in Atlanta in July; the Commission will likely be invited to present a larger, plenary session.

Regan Metteauer, JCMH Staff Attorney, provided an update regarding the Commission's Second Edition of its Bench Book. She noted that since January's Commission meeting, she, Emily, and Kristi have authored two new chapters; one regarding competency restoration, and the other on civil commitment. She added that a panel of experts was convened to review the new chapters and provide feedback. She thanked everyone involved for their participation and added that the Commission's Bench Book Committee will meet in the coming weeks to discuss and implement legislative changes to the entire Book. The goal is to have the newest edition provided to all of the November Summit's participants.

Emily Miller, JCMH Staff Attorney, provided an update regarding the Commission's upcoming Judicial Summit on Mental Health, to be held November 18th and 19th at the San Marcos Embassy Suites Convention Center. She noted that the Commission is working diligently to ensure that attendees from each region are present to participate in scheduled county break-out sessions. She also noted that given the Summit's focus on competency and civil commitment, the Commission is especially focusing on recruiting judges, prosecutors, and law enforcement. She encouraged Commissioners and Collaborative Council members to provide contact information for anyone they feel may benefit from attending, especially from areas in East Texas and South Texas.

Judge Brent Carr then provided an overview of the Summit's agenda. He noted that the event will include a detailed legislative update, a competency restoration discussion, a discussion regarding secondary trauma, and a keynote address by Ms. Tonier Cain, who will provide her personal lived experience. The Summit will also include an overview of the Commission's recent Critical Points Round Table, information regarding resources for both rural and urban populations, and an opportunity for each county that participates in scheduled break-out sessions to report from their respective discussions.

Belinda Swan, JCMH Executive Assistant, provided a brief overview of the Commission's presentation of the documentary film, "Ernie and Joe." She noted that the film chronicles the work of two San Antonio Police Department Mental Health Officers over the span of several months. The Commission has secured exclusive rights to screen the film on Sunday, November 17th, to kick-off the Summit. Belinda welcomed everyone to consider attending.

Kristi Taylor then provided an overview of the Commission's budget. She noted that the budget includes funding for additional staff. Expanding staff will allow the Commission to provide technical assistance throughout the state, especially in the areas of sequential intercept mapping and in the establishment of mental health dockets and/or courts. Kristi added that the Commission is also committed to exploring issues related to juvenile mental health and encouraged everyone in attendance to submit suggestions or resources to the Commission for consideration. Kristi also highlighted the Commission's Mental Health Court Grant Program. The Executive Committee approved all but one grant application. Projects range from sequential intercept mapping to training to tele-psych equipment.

Before voting to approve the budget's grant-funded projects, Judge Brent Carr recused himself, as Tarrant County was tentatively approved to receive grant funding. With no other questions or concerns, Commissioners in attendance voted unanimously to approve the budget.

Input from Commissioners on SB 362 Rulemaking Task Force

Professor Brian Shannon, Texas Tech School of Law, spoke about the directive of SB 362 for the Court to adopt rules or implement other measures related to mental health processes. While he noted that there is an array of areas to look at for suggesting rules or processes, he suggested that Health & Safety Code Chapter 573, relating to emergency detentions with and without warrants, would be a good place to start and gave an overview of these provisions.

He said that there are a variety of ways to implement standard processes – through telemedicine and other technology solutions, to name a few – but that there is disagreement across the state on how counties handle these processes. However, he gave one example that experts agreed on when drafting the 2nd Edition of the Bench Book: you cannot have sequential emergency detentions arising out the same facts. He suggested this point might be something to start with.

Professor Shannon then opened the discussion for other suggestions. Several people noted the difference in rural and urban processes. In rural areas, for example, JPs usually receive emergency detention applications from crisis workers at the LMHA, while in urban areas it is usually law enforcement responding and bringing the individual to an emergency room under a warrantless detention. It was suggested that coming up with a standardized Application for Emergency Detention form and Magistrate's Warrant would be helpful so that all of the LMHAs could be using the same form across the state.

The suggestion was also made that a warrant for emergency detention should have a time limit (perhaps 5-10 days) so that the warrant does not become stale.

Finally, several people agreed that it would be a good idea to provide standard forms and guidance for criminal court judges who must apply the Health and Safety Code provisions after the criminal competency period ends. This is a process that they are usually unfamiliar with.

Texas Forensic Implementation Team Update (TFIT)

Dr. Courtney Harvey, State Mental Health Coordinator & Associate Commissioner, Office of Mental Health Coordination, Texas Health and Human Services Commission, provided an update on the Substance Abuse and Mental Health Services Administration GAINS Center. She noted that this particular Learning Collaborative was a part of a suite of criminal justice learning collaborative opportunities that were released by the Substance Abuse and Mental Health Services Administration (SAMHSA) in the fall of last year. Texas submitted an application and was selected as one of seven states to participate. The intent of the Collaborative is to (i) identify the most common factors contributing to the system stressors associated with the competency to stand trial and competency

restoration process, (ii) develop a strategic plan to address problems specific to Texas, and (iii) identify methods for measuring outcomes. The Collaborative was tasked with securing one to three local communities that would be interested in piloting the recommendations from this Learning Collaborative. Those communities include Lubbock County and Tarrant County.

Dr. Harvey noted that TFIT recently met for two days with experts who have been deemed by SAMHSA as experts in the areas of competency to stand trial and competency restoration. The meeting served as an opportunity to meet virtually with other state partners to talk about best practices and trends, lessons learned, and gaps that other states are trying to address.

The group identified four priorities moving forward:

- 1) become more proficient in early identification, assessment, and treatment of defendants who are suspected of having a mental illness, intellectual disability, or both;
- 2) address deficiencies in the competency to stand trial examination process, the quality assurance process for those competency evaluations, how we manage the forensic wait list, competency restoration treatment, and case disposition;
- 3) increase opportunities for competency evaluators, attorneys, judges, and competency restoration providers to receive training related to competency restoration trends and best practices; and
- 4) expand resources for diversion from the criminal justice system.

Collaborative Council Highlight: TCOOMMI

April Zamora, Director of the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) and of the Reentry and Integration Division of the Texas Department of Criminal Justice, provided an overview of her department. She stated that TCOOMMI's mission statement is to provide a formal structure for criminal justice, health and human services, and other affected organizations to communicate and coordinate on policy, legislative, and programmatic issues affecting offenders with special needs. Clients include those with serious chronic and pervasive mental illness, intellectual disabilities, terminal or serious medical conditions, physical disability, and those who are elderly.

Ms. Zamora's presentation can be found on the JCMH website:

<http://texasjcmh.gov/media/1639/aug-16-2019-jcmh-meeting-notebook-online.pdf>

Critical Points Round Table

Adrienne Kennedy provided a brief overview of the Commission's Critical Points Round Table held on July 19th. She thanked John Petrila of the Meadows Foundation for co-facilitating and contributing his expertise to the event. She also thanked Judges Hervey, Carr, and Specia for attending. Adrienne noted that the round table provided an opportunity for individuals with lived experience to work through the sequential intercept model and discuss areas where processes work well, and to discuss areas that need improvement. Adrienne shared that the results have been important in understanding how systems work in real time from people who have experienced them firsthand. She also noted that a detailed summary, including survey results from participants, will be made available at November's Summit.

Jurist in Residence Report

Judge John Specia noted that to date the Commission has disseminated two Jurist in Residence letters. He suggested that anyone interested in receiving these letters contact JCMH staff. He also noted that he has had conversations with several judges involved with specialty courts that include mental health components to discuss how they can become involved with and benefit from the Commission.

Judge Specia invited the Commissioners to provide information regarding upcoming trainings and conferences. They are encouraged to email information to the Commission directly for inclusion on the JCMH website.

Email: jcmh@txcourts.gov

Meeting adjourned.

Insert Tab 4



**Judicial Commission on Mental Health
January 2020 Meeting Financial Report**

FY 2020 BUDGET

FY2020 State General Revenue	\$	1,250,000
FY2020 Available Funds	\$	1,250,000

FY 2020 OBLIGATIONS

	Budget	Expenses To-date	Outstanding Obligations
Indirect	\$ 678,268	\$ (168,714)	\$ 509,554
Projects	\$ 174,600	\$ (49,785)	\$ 124,815
Grants	\$ 207,288	\$ -	\$ 207,288
Scholarships	\$ 10,000	\$ -	\$ 10,000
	\$ 1,070,156	\$ (218,499)	\$ 851,657

CURRENT FINANCIAL STATUS

State General Revenue Balance January 2020	\$	1,031,501
FY 2020 Outstanding Obligations	\$	851,657
FY2020 Projected End Balance	\$	179,844

Insert Tab 5



The Supreme Court of Texas and the Texas Court of Criminal Appeals

Judicial Commission on Mental Health

REPORT TO THE COMMISSION

January 31, 2020

**201 W. 14th Street
Austin, TX 78701**

www.texasjcmh.gov

Report of the Executive Director

The mission of the Judicial Commission on Mental Health is to engage and empower court systems through **collaboration**, **education**, and **leadership**, thereby improving the lives of individuals with mental health needs, substance use disorders, or intellectual and developmental disabilities. The following report will provide an overview of the projects the JCMH has undertaken to further these objectives.

Collaboration

Collaboration among court systems – including the legal community, mental health professionals, law enforcement, state agencies, and court participants—is essential for achieving the best possible outcomes for Texans.

1) Legislative Research Committee

On October 1, 2019, the Supreme Court of Texas and the Court of Criminal Appeals of Texas appointed twenty-two members to the JCMH Legislative Research Committee. The Court liaison from the Supreme Court is Justice Jane Bland, and the liaison from the Court of Criminal Appeals is Judge Barbara Hervey. The Chair of the Committee is Justice Bill Boyce. The Committee’s purpose is to assist the two Courts in studying the organization and practices of the Texas Judicial Branch related to behavioral and mental health needs. The Committee’s first meeting was December 5th, 2019. After this meeting, the Committee created three workgroups:

- Competency Restoration
- Diversion
- Services

The Committee has a conference call February 7th and will have an additional call and in-person meeting before it submits its recommendations to the Texas Judicial Council by June 1, 2020.

2) Supreme Court SB 362 Task Force

The 86th Legislature enacted Senate Bill 362, which directed the Supreme Court to adopt rules to streamline and promote the efficiency of court processes under Chapter 573 of the Health and Safety Code and adopt rules or implement other measures to create consistency and increase access to the judicial branch for mental health issues. The Supreme Court established the Task Force for Procedures Related to Mental Health to make recommendations to the Court. The Chair of the Task Force is Judge Brent Carr, and the Court’s liaison is Justice Jane Bland. The Task Force must submit a Status Report to the Supreme Court of Texas by December 1, 2020.

The first meeting of the Task Force was December 2, 2019. The members decided that there were four areas on which the Task Force will concentrate its initial efforts:

- Recommendations regarding a possible technology solution to address some of the problems faced in the emergency detention process;
- The standardization of some common mental health forms;

- Legislative recommendations for the 87th Legislative Session; and
- Long-term policy and legislative recommendations.

The Committee will have three additional conference calls before the report is due in December. It will provide any legislative recommendations to the Legislative Research Committee prior to June 1, 2020.

3) Judicial Summit on Mental Health Curriculum Committee

The Curriculum Committee is chaired by Judge Brent Carr and met at the beginning of August 2019. The Committee was joined by representatives from several judicial education agencies, including the Texas Justice Court Training Center and the Texas Municipal Courts Education Center, as well as a representative from the Texas Indigent Defense Commission.

The Committee discussed goals for the Summit, which included the need for a comprehensive legislative update, a focus on civil commitment and competency restoration, new developments at the State Hospital System, and a session that would tie-in the stories of those with lived experience. The Committee also discussed the importance of having programming that was informative and beneficial to attendees from both rural and urban counties, which led to the development of a dual-track for the second day of the Summit that focused on best practices from around the state. A key point was also made that the Summit should foster an environment of collaboration: where counties could provide mentorship in some areas, but also seek it out in others. The Committee also agreed that having a keynote speaker who could provide the voice of lived experience was essential. Tonier Cain was approved to deliver the lunch address, which proved to be the most popular session of the Summit.

4) Texas Forensic Initiatives Team (TFIT)

The Texas Health and Human Services Commission applied and was selected by SAMHSA to participate in a national learning collaborative focused on competency restoration. The intent of the collaborative is to identify the most common factors contributing to the system stressors associated with the competency to stand trial and competency restoration process. TFIT will also work to develop a strategic plan to address problems specific to Texas and identify methods for measuring outcomes. The JCMH was invited to be a part of TFIT, and the Team is committed to meeting regularly to develop and implement initiatives related to competency restoration.

The Team identified four priorities moving forward:

- 1) become more proficient in early identification, assessment, and treatment of defendants who are suspected of having a mental illness, intellectual disability, or both;
- 2) address deficiencies in the competency to stand trial examination process, the quality assurance process for those competency evaluations, how Texas manages the forensic waitlist, competency restoration treatment, and case disposition;
- 3) increase opportunities for competency evaluators, attorneys, judges, and competency restoration providers to receive training related to competency restoration trends and best practices; and
- 4) expand resources for diversion from the criminal justice system.

5) JCMH Bench Book Committee

The Bench Book Committee is chaired by Judge Camille DuBose. It advised on format and content for the 2nd Edition, and later provided editing and feedback on the new sections. The Committee last met on September 30, 2019, and members submitted edits to the 2nd Edition draft on October 11, 2019.

6) Cross- Collaboration

The JCMH staff builds partnerships to promote mental health education by attending meetings and trainings of multiple stakeholders across many disciplines. These stakeholders include: The Behavioral Health Coordinating Council, Joint Committee on Access and Forensic Services, Texas Forensic Implementation Team, Texas Council of Community Centers, Meadows Mental Health Policy Institute, Texas Municipal Courts Education Center, Texas Association of Counties, Texas Justice Court Training Center, Texas Hospital Association, Texas Homeless Education Office, Association of Texas Sheriff's, Texas Conference of Urban Counties, NAMI Texas, Texas Department of Criminal Justice, Dell Medical School, Lone Star Justice Alliance, University Health System, Texas Criminal Defense Lawyers Association, Texas Education Agency, Refugee Services of Texas, Texas Medical Association, Texas indigent Defense Commission, Texas Council on Family Violence, Hogg Foundation for Mental Health, Texas Workforce Commission, Access to Justice Commission, and the Supreme Court Children's Commission.

7) Commission Meetings

JCMH staff facilitates three Commission meetings a year, collecting information from the JCMH Commissioners to promote best practices and improve the function of the judiciary for those with mental health, substance use, or IDD needs.

8) Collaborative Council Calls

The Executive Director leads monthly calls updating the Council members about current projects and encouraging Council members to share information about their conferences, projects, and best practices around the state. Collaborative Council calls generally occur on the first Tuesday of every month at noon. JCMH staff produce minutes from the calls that highlight upcoming trainings from partner organizations, as well as links to resources.

9) The JCMH Executive Committee

The Executive Committee is comprised of Justice Jane Bland, Judge Barbary Hervey, Justice Bill Boyce, Judge John Specia, Tina Amberboy, and David Slayton. It meets at least quarterly, or more if needed, to advise on JCMH operations, projects, and policy.

10) JCMH Annual Report to the Courts

The JCMH will create a bi-annual report to the Supreme Court of Texas and the Texas Court of Criminal Appeals to be published in April of 2020.

Education

Education – including specialized training, resources, and tools—for judges, attorneys, and court personnel is essential for fair and efficient resolution of cases involving individuals with mental health needs, substance abuse disorders, or IDD.

1) Texas Mental Health and Intellectual and Developmental Disabilities Law Bench Book

The Bench Book is a 165-page book for Texas judges hearing cases regarding persons with mental illness and/or IDD. Each section contains applicable statutory processes, relevant best practices and guidance, and cross-references to mandatory forms.

The second edition of the Bench Book was released at the Judicial Summit on Mental Health on November 18, 2019. This edition includes two new sections on civil commitment and criminal competency restoration. The JCMH quickly distributed five hundred Bench Books – with many attendees asking for copies to take back to their counties—and is currently taking orders for the new printing of an additional five hundred books. The Bench Book is also available in digital form on the JCMH website.

2) JCMH Online Forms Bank

Judges from several Texas counties have submitted nearly 100 sample forms related to mental health court processes that are currently on the JCMH website. These forms are meant to be resources for courts, and new forms will be added to the Forms Bank as they are received.

3) 2019 Judicial Summit on Mental Health

The JCMH hosted the second annual Judicial Summit on Mental Health on November 18-19, 2019 in San Marcos, Texas. This year’s Summit drew nearly five hundred judges and stakeholders from across the State of Texas to discuss and develop solutions to the many challenges faced by individuals in the court system with mental health or intellectual and developmental disabilities (IDD). Attendees included judges from all levels of the judiciary, academia, law enforcement, advocacy groups, prosecutors, defense attorneys, mental health and IDD service providers, representatives from various state agencies, policymakers, persons with lived experience, and many others.

4) Mental Health Code Book

The JCMH, building on the popular and extremely beneficial work of Chris Lopez at HHSC, created the *Texas Mental Health and Intellectual and Developmental Disabilities Law: Selected Statutes and Rules*, a collection of Texas statutes related to mental health and IDD in one convenient volume. Lexis printed 1,000 hard copies of this resource, which will be available to those who would like to pre-order a copy, and the digital version will be available on the JCMH’s website. Stakeholders may also purchase a hard copy through Lexis if they are unable to secure one of the initial 1,000 copies.

5) Legislative Summaries

The JCMH created and distributed various legislative summaries of bills passed during the 86th Legislative Session, including:

- a comprehensive review of all new bills related to mental health and IDD;
- a summary of these bills sorted according to the Sequential Intercept Model; and
- detailed one-page summaries of the three main bills affecting mental health law from the 86th Legislative Session.

6) Jurist in Residence

Judge John Specia, Jr., Senior District Judge (Ret.) distributes six letters a year. These letters keep judges updated on relevant changes to the law as well as share helpful resources and tools.

In September of 2019, the letter summarized some of the most important legislative updates regarding mental health and IDD from the 86th Legislative Session. The December 2019 letter spotlighted resources such as the grant program, the Bench Book, the CCA Mental Health Resource Guide, as well as some upcoming conferences. The most recent letter was distributed January 27, 2020 and provided information and resources regarding creating a mental health court, a topic that was in demand at the Judicial Summit in November.

7) Bench Cards

JCMH, in partnership with the National Center for State Courts, created and distributed bench cards entitled “Leading Change: Improving Courts’ Response to Mental Health and Intellectual and Developmental Disability Needs” and “Assessing the Mental health and IDD Landscape by Intercept.”

8) JCMH Website

The JCMH developed and regularly updates the JCMH website, www.txjcmh.gov, to provide and share tools and resources on key concepts and court procedures related to mental health, substance abuse, or IDD.

9) Scholarships

The JCMH provides scholarships for judges, Commissioners, and Collaborative Council members to attend national conferences. In June of 2019, the JCMH provided scholarships to eight Collaborative Council members and Commissioners for registration and travel to the National Alliance on Mental Illness Convention in Seattle.

Leadership

Judicial Leadership is essential to serving individuals with mental health needs, substance use disorders, and IDD in Texas Courts.

1) Round Table Series

- Emergency Detention Round Table – December 4, 2018
 - The JCMH facilitated a panel of experts who came together to create consensus around a complex issue with differing views on statutory interpretation.
- Critical Points Round Table – July 19, 2019
 - In a new, nationally recognized model, judges met together with individuals with lived experience to improve judicial practices along the Sequential Intercept Model; a report and bench card were created from the survey and round table.

2) Mental Health Court Grants

As of August 2019, the JCMH has granted eleven local court improvement grants which include judicial training with the Sequential Intercept Model mapping in several counties, providing technology to assist with remote hearings, the purchase of case management software, and stakeholder training in mental health law issues and legislative changes.

3) Technical Assistance to Courts

JCMH staff – along with 15 others including partners from judicial training organizations, judges, and other stakeholders – participated in a two-day training session facilitated by Policy Research Associates. The session trained participants to become certified facilitators for Sequential Intercept Mapping.

The JCMH is currently developing a plan to provide technical assistance to Texas courts using the Sequential Intercept Mapping model. In FY 2020, JCMH staff and selected judges will provide technical assistance to targeted courts seeking help with implementing best practices.

4) National Conferences

The JCMH partnered with NAMI to create a judicial presentation at the national NAMI Annual Conference. Judge Barbara Hervey, Justice Bill Boyce, Judge John Specia, Dr. Andrew Keller, and former City of Dallas Police Chief David Brown participated in the presentation in Seattle on June 21, 2019. The session was titled, “Celebrating Advancements: When the Judiciary Joins the Conversation.” The JCMH will also host the Southern Regional Meeting of the National Conference of Chief Justices/Conference of State Court Administrators on May 13-15, 2020, in Austin.

5) Presentations to Partner Organizations

The Executive Director and staff attorneys have presented at various conferences including the Annual Texas Juvenile Justice Department Post-Legislative Conference (July 29, 2019), the Child Welfare Judges Conference (Nov. 2018), the Texas Municipal Courts Education Center Court Administrators Conference (June 18, 2019), and the Annual Conference for the Texas Hospital Association (Oct. 7, 2019). Additionally, JCMH staff attorneys participated in a webinar for the Texas Municipal Courts Education Center entitled “Mental Health Processes (Oct. 3, 2019).”

Insert Tab 6



Strategic Plan (with Projects)

Developed June 18, 2018 by the JCMH Executive Committee

Sent out to JCMH for comment September 2018

Adopted January 25, 2019 by the JCMH

The mission of the Judicial Commission on Mental Health is to engage and empower court systems through collaboration, education, and leadership, thereby improving the lives of individuals with mental health needs, substance use disorders, or intellectual and developmental disabilities (IDD).

On June 18, 2018, the JCMH Executive Committee developed 23 specific strategies to accomplish this mission. The strategies are divided into the overarching goals of collaboration, education, and judicial leadership.

- **Collaboration**

Collaboration among court systems—including the legal community, mental health professionals, law enforcement, state agencies, and court participants—is essential for achieving the best possible outcomes for Texans.

- **Education**

Education—including specialized training, resources, and tools—for judges, attorneys, and court personnel is essential to fair and efficient resolution of cases involving individuals with mental health needs, substance use disorders, or IDD.

- **Leadership**

Judicial leadership is essential to serving individuals with mental health needs, substance use disorders, and IDD in Texas courts.

Collaborate

The Commission will:

1. **Collaborate with stakeholders to collect and analyze data, practices, law, and policy with the goal of improving court functioning for people with mental health needs, substance use disorders, or IDD (*Order and Planning Committee Report*);**
 - **Executive Committee**
 - **Commission meetings**
 - **Collaborative Council Monthly Calls**
 - **Round Table Series**
 - **Critical Points Round Table**
 - **Emergency Detention Round Table**
 - **Committees and Workgroups**
2. **Identify and assess current and future needs of the judiciary to improve courts' ability to serve people with mental health needs, substance use disorders, or IDD (*Order*);**
 - **Legislative Research Committee**
 - **SB 362 Task Force**
3. **Improve collaboration and communication among courts, agencies, and community partners (*Order*);**
 - **Jurist-in-Residence Resource Letters**
4. **Encourage sharing of appropriate information to enhance judicial efficiency (*Priorities Survey*);**
 - **HIPAA Education at the Summit and in the Bench Book**
 - **Technical Assistance to Courts**

5. Explore potential partnerships to promote early awareness and education about mental health, substance use disorders, and IDD in the court system (*Priorities Survey, JCMH Exec. Comm.*);
 - **Critical Points Round Table in partnership with NAMI and Meadows Mental Health Policy Institute**
 - **Cross-collaboration Work**
 - **JCMH Website**
6. Examine the prevalence and impact of racial disparities for people with mental health needs, substance use disorders, and IDD in the court system (*National Center for State Courts*);
 - **Critical Points Round Table had some discussion meeting this strategy, but this strategy needs more focus.**
7. Assess data collection, reporting, and sharing for projects receiving Commission support (*Admin. of Children, Youth and Families Continuous Quality Improvement*);
 - **In FY 2020, create measures for pass-through grants and staff-directed projects.**
8. Identify funding and resource options available to facilitate the Commission's efforts to serve the state (*Order*); and
 - **In FY 2020, identify new funding opportunities and assess the potential effectiveness of projects related to increased funding.**
9. Endeavor to increase resources and funding and maximize the effective and efficient use of available judicial system resources (*Order*).
 - **In FY 2020, identify new funding opportunities and assess the potential effectiveness of projects related to increased funding.**

Educate

To further the goal of education, the Commission will:

1. **Develop high-quality, multi-disciplinary education in coordination with state and national training experts and raise awareness of best practices and areas requiring improvement (*similar language to Order*);**
 - **Bench Book**
 - **Judicial Summit on Mental Health**
 - **Legislative Summaries**
 - **Bench Cards**
 - **Educational Presentations**
2. **Create and provide tools and resources on key concepts and court procedures related to mental health, substance use, and IDD (*Planning Committee Report, similar language to Order*);**
 - **New Mental Health Code Book**
 - **Bench Book**
 - **Legislative Summaries**
 - **Bench Cards**
 - **JCMH Website**
3. **Promote best practices that are data-driven, evidence-based, and outcome-focused (*Order*); and**
 - **Bench Book**
 - **Technical Assistance to Courts**
 - **Scholarships**
 - **Court Improvement Guide**
4. **Educate the judiciary and stakeholders on the importance of collecting and sharing data (*Exec. Comm.*).**
 - **Summits**
 - **Technical Assistance to Courts**

Lead

To promote leadership in the judiciary, the Commission will:

1. **Promote innovative projects, as well as policy and procedural changes that improve court functioning (*Exec. Comm.*);**
 - **Mental Health Court Grants**
 - **Technical Assistance to Courts**
2. **Serve as a resource in the development of policy, legislation, and practice recommendations, including policy recommendations for consideration by the Texas Judicial Council (*Exec. Comm.*);**
 - **Round Table Series**
 - **Legislative Research Committee**
 - **SB 362 Workgroup**
3. **Explore technological solutions to assist the courts, including the statewide implementation of a computerized case-management system and expanded data-sharing between stakeholders (*Order*);**
 - **Technical Assistance to Courts**
 - **SB 362 Workgroup**
4. **Promote improved court performance and accountability (*Planning Committee*);**
 - **Technical Assistance to Courts**
 - **Court Improvement Guide**
5. **Assist judges in leading local and regional initiatives to improve mental health, substance use disorders, and IDD service delivery and capacity (*Priorities Survey*);**
 - **Technical Assistance to Courts**
 - **Court Improvement Guide**

6. Promote appropriate consideration of mental health, substance use disorders, and IDD needs expressed by children, youth, and families in the judicial process (*Order*);
 - [Summits](#)
 - [Bench Book](#)
 - [Legislative Summaries](#)
 - [JCMH Website](#)

7. Elevate awareness of mental health, substance use, and IDD as an important area of expertise within the legal and judicial community (*Priorities Survey* and *Exec. Comm.*);
 - [Summits](#)
 - [Bench Book](#)
 - [Legislative Summaries](#)
 - [JCMH Website](#)

8. Strive to serve as both a statewide and national leader in mental health, substance use, and IDD law and practice (*Exec. Comm.*);
 - [Hosting the Conference of Chief Justices](#)
 - [NAMI National Conference Presentations](#)

9. Oversee the administration of funds appropriated and granted to the Commission (*Order*); and
 - [Executive Committee](#)
 - [Budget Review](#)

10. Provide progress reports to the Supreme Court of Texas and the Texas Court of Criminal Appeals (*Order*).
 - [Report to the Courts published in April 2020](#)

Insert Tab 7

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2019 JUDICIAL SUMMIT *on*

MENTAL HEALTH

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Executive Summary

The Judicial Commission on Mental Health (JCMH) hosted the second annual Judicial Summit on Mental Health on November 18-19, 2019, in San Marcos, Texas.

This year's Summit drew nearly five hundred judges and stakeholders from across the State of Texas to discuss and develop solutions to the many challenges faced by individuals in the court system with mental health or intellectual and developmental disabilities (IDD). Attendees included judges from all levels of the judiciary, academia, law enforcement, advocacy groups, prosecutors, defense attorneys, mental health and IDD service providers, representatives from various state agencies, policymakers, persons with lived experience, and many others.

Each Summit attendee also received the second edition of the JCMH Bench Book, which contained new sections on the topics of civil commitment and competency restoration. The Bench Book is also available in digital form on the JCMH website.

Pre-Conference Documentary Screening: *Ernie & Joe: a film by Jenifer McShane*

On Sunday night, the JCMH had the exciting opportunity to partner with HBO for an advance screening of *Ernie & Joe*, a documentary that chronicles two police officers from the San Antonio Police Department's Mental Health Unit. Approximately one hundred people attended the screening, and many of those who attended said that the film was one of the most moving documentaries they had ever watched and was the perfect way to kick off the Summit.

First-Day Plenary Sessions

The Summit began with a panel of experts who gave a summary of legislative updates from the 86th Legislative Session. The presentation was structured along the Sequential Intercept Model. The panel was moderated by Justice Bill Boyce and included Judge Guy Herman, Travis County

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Probate Court No. 1; Judge David Jahn, Associate Probate Judge in Denton County; Judge Ryan Kellus Turner, Executive Director of the Texas Municipal Courts Education Center; Judge Roxanne Nelson, Burnet County Precinct 1 Justice of the Peace; and Professor Brian Shannon, Texas Tech University School of Law.

Dr. Matthew Faubion presented on the Texas State Hospital System, the process of a forensic commitment, and new trainings and pilot programs within the State Hospital System.

In what many of the attendees described as the most powerful presentation of the Summit, Ms. Tonier “Neen” Cain delivered a heart-breaking, yet empowering, message about the importance of trauma-informed care. In a moving conclusion, Ms. Cain revealed a photo of herself from a time in her life when she was despondent and living on the streets, and asked the attendees, “If you saw this woman in front of you, could you believe it possible that she could become me?”

In the afternoon sessions, Dr. Courtney Harvey, an Associate Commissioner with HHSC, moderated a panel on Jail-Based and Outpatient Competency Restoration programs, whose presenters included Judge Nelda Cacciotti, Mental Health Magistrate and Judicial Staff Counsel for Tarrant County; Judge Drue Farmer, County Court at Law No. 2, Lubbock County; Lucrece Pierre-Carr, Manager of the Crisis Services Unit at HHSC; and La Quinta Swan, Forensic Subject Matter Expert at HHSC. The HHSC presenters noted different kinds of services that are available in OCR programs across the state that are often overlooked. Judge Cacciotti and Judge Farmer outlined several considerations a judge should make before ordering any type of OCR or JBCR and outlined the practices in their courts.

Judge Ed Spillane, Presiding Judge of the College Station Municipal Court, delivered an important message about how important it is for judges to build resilience and practice self-care to avoid the effects of secondary trauma. John Petrila from the Meadows Mental Health Policy Institute and Adrienne Kennedy from the National Alliance on Mental Illness (NAMI) gave attendees insight



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into the history of mental health treatment and summarized the ground-breaking work of the Critical Points Round Table, hosted by the JCMH in July of 2019, and its importance in making sure that the voices of those with lived experience are heard during policy development.

Summit attendees then broke into regional groups to discuss how to improve courts' responses to matters involving people with mental health and IDD needs. The discussion was centered around the Sequential Intercept Model (SIM) and making plans specific to the community.

Day Two: Urban Track

The second day of the Summit was divided into two different tracks in the morning: urban and rural. In the urban track, attendees heard about the Judge Ed Emmett Mental Health Diversion Center in Harris County from Harris County DA Kim Ogg, Denise Oncken, Mental Health Bureau Chief at the Harris County DA's office, and Wayne Young, CEO of the Harris Center. Michael Young, Chief Public Defender in Bexar County, gave a presentation on the importance of having a defense attorney present at magistration for those with mental health and IDD issues. And Laurie Hallmark from Texas RioGrande Legal Aid shared her important work with psychiatric advance directives, which many of the attendees found extremely helpful and requested more information about, both at the Summit and in the feedback surveys.

Day Two: Rural Track

The rural track attendees also heard from Laurie Hallmark about psychiatric advance directives. This was followed by a presentation from Lt. Scott Soland, President of the Texas CIT Association, about the importance of CIT teams and crisis training in rural areas and practical suggestions to make this training a possibility with limited budgets and personnel. Finally, Judge Roxanne Nelson, Burnet County JP Pct. 1, Judge Kirk Noaker, Burnet County Magistrate, and Alyse Ferguson, Chief Attorney for the Collin County Mental Health Managed Counsel Program, gave



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a presentation on best practices and practical solutions for developing mental health programs in rural areas.

Day Two: Plenary Session

To close the Summit, representatives from the various regional breakout groups reported back in a plenary session moderated by Judge John Specia. Each regional group shared one area in which they could serve as a mentor, and one area in which they were seeking a mentor. Common themes that surfaced in this session were the need for assistance in developing mental health court programs, the need for cross-agency collaboration and data-sharing, and an interest in developing creative outpatient and jail-based competency restoration programs. Sheriff Dennis Wilson gave closing remarks and encouraged all those who attended to continue this good, and difficult, work for the citizens of Texas.

Conclusion

Those who attended the Summit were encouraged not only by the information that was presented, but by the number and diversity of the participants. Many attendees commented on how much they appreciated the ability to network and collaborate with people from across the state who they would not ordinarily encounter. One participant stated: “Attending this event made me more aware of what I can do personally to facilitate, on a basic level, the solution for people in my community. I was able to network and do some brainstorming with other judges and that activated creative ideas that may actually work.” Another said the Summit “gave us the means to collaborate on those ideas, provided us with the means to seek best practices, [and] empowered us all to take action.” The JCMH is deeply grateful to all those who participated; the Summit could not have been a success without their effort and attendance. It is the hope of the JCMH that the Summit sparked collaboration and inspired those who attended to go back into the community with new ideas and a renewed sense of purpose.



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Top Ten Takeaways from the 2019 Judicial Summit on Mental Health

- 1. Judicially-led collaboratives improve court processes for better outcomes.**

While rural and urban counties experience problems in the mental health system in different ways, there are many solutions that can be adapted and structured according to a county's resources. If a county does not have the resources to set up a mental health court, another option is to set up a monthly or quarterly mental health meeting with stakeholders such as the LMHA/LBHA, prosecutor, defense attorney, law enforcement, and judge. The stakeholders can use the meeting as an opportunity to discuss specific cases or system improvements.
- 2. Organizational solutions for better communication can shorten jail time.**

Many procedural issues could be resolved—and money and time saved—by simple organizational changes for more transparent lines of communication. Stakeholders can designate a “point person” within their organization for communicating with partner organizations. For example, a court liaison could be identified on an LMHA website to help court personnel and attorneys more easily connect with one person who knows about the court system and the LMHA role in the system. Several Texas counties, including Taylor County and Midland County, have established a jail navigator position inside their jails to help inmates coordinate their mental health needs, from the 16.22 report to providing medicines upon release.
- 3. Psychiatric Advance Directives (PAD) can help in both civil and criminal cases.**

PADs are being used in innovative ways to increase positive outcomes and reduce contact with the criminal justice system for persons with mental illness. Texas is on the forefront of developing this resource. PADs provide critical information to prevent or improve the patient's experience in civil commitments for doctors, health agencies and lawyers regarding coordination of care and treatment compliance. In criminal cases, PADs can provide critical information for law enforcement, courts, lawyers, community supervision, jails, and medical personnel to avoid unnecessary incarceration.
- 4. The CCP 16.22 requirements are important for early identification.**

The county report-out session revealed that many counties are still struggling with the practical aspects of implementing the 16.22 requirements. The 16.22 notification is critical to ensure that incarcerated individuals receive the proper attention and consideration for

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personal bonds. Another important aspect of a 16.22 order from a magistrate is the communication that is established early on with the trial court, prosecutor, and defense attorney. At the Summit, experts highlighted the recent legislative amendments to CCP 16.22 clarified that a clinical assessment for mental illness or IDD is not required but rather an interview and written report. One expert noted that while not statutorily required, it is a good practice for a judge to appoint counsel with specialized MI or IDD legal training or experience.

5. The competency restoration system is not mental health treatment.

The competency restoration system is a legal process to ensure that a defendant is competent to stand trial. Some competency restoration programs may address underlying mental health needs, but it is not required and is not typical. When possible, and especially for low-level offenses, a court should consider diversion or dismissal rather than initiating lengthy competency proceedings.

6. Competency evaluations should be critically reviewed by the judge.

Judges should review both the experts they appoint to conduct competency evaluations, and the competency evaluations themselves. At a minimum a judge should verify that an expert meets the statutory qualifications under Tex. Code Crim. Pro. Art. 46B.022(a)-(b) prior to appointment. Further, judges should direct the expert to provide the report in the form approved by TCOOMMI under section 614.032(b) of the Health & Safety Code. The court does not have to accept a report that does not meet the statutory requirements and/or is of poor quality. The determination of competency is the role of the judge and should not be abdicated to the expert.

7. Competency restoration procedures for maximum-security units have changed.

Under prior law, judges were mandated to order defendants charged with certain violent offenses to competency restoration at a maximum-security unit (MSU) of a state hospital. Now, for those certain offenses, a court shall enter an order committing the defendant to competency restoration at a facility designated by the Health and Human Services Commission, and the HHSC review board will determine at which facility a defendant should be placed.

8. Outpatient competency restoration programs can access many resources.

These under-utilized resources include assistance with housing, medication continuity, and weekly one-on-one connection with an individual to provide support. There is not a right way to do an outpatient competency restoration program. There are twelve OCR programs

2019 JUDICIAL SUMMIT *07/10*

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in Texas and each of these programs is different depending on the needs and demographics of the county in which it is located. Resources that OCR programs can provide include:

- i. Peer supports;
- ii. Curriculum-based competency restoration education;
- iii. Access to housing resources;
- iv. Psychosocial rehabilitative services;
- v. Psychiatric and medical medications;
- vi. Cognitive processing therapy;
- vii. Substance use inpatient or outpatient treatment; and
- viii. Residential treatment.

9. Lived experience voices improve the system.

The voices of those with lived experience are invaluable in developing procedures that will increase positive outcomes and create a culture of de-escalation throughout the Sequential Intercept Model (SIM). Peer Advisors are helpful at every stage along the SIM.

10. Trauma-informed care help judges and those in their courts.

Understanding trauma not only helps judges to build resiliency in their own professional and personal lives but also allows judges to understand the people who appear before them. Secondary trauma can be caused by busy courts – especially specialty courts and immigration courts – and by repeated traumatic accounts. Over time, the cumulative effect can result in an internalization of trauma, leading to compassion fatigue or burnout. Some barriers to judges seeking help are stigma, peer pressure, and privacy and vulnerability concerns. Resiliency, optimism, building connections with others, and practicing gratitude are ways to combat the effects of secondary trauma.

Insert Tab 8



Why Numbers are Critical to Improve Implementation of Policies

January 31, 2020

Dr. Tony Fabelo, Commission Member

Overview of Presentation

Review the CCP 16.22 (jail MH screening and subsequent required written report) and CCP 17.032 (MH Bond) framework

Review the importance of numbers in improving these processes

Review basic key metrics

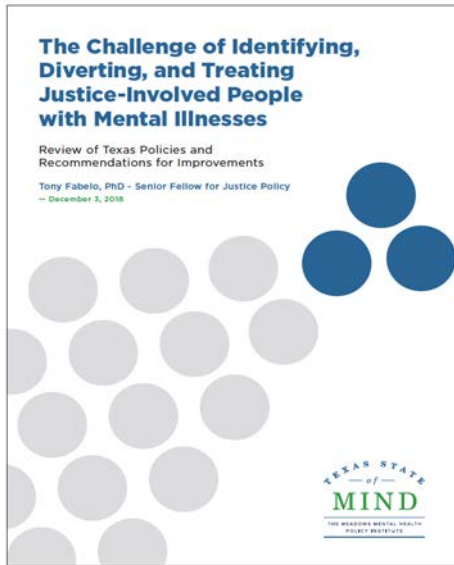
Review of Texas 1993 Screening and Assessment Policy



- Jails meet state mandated standards for screening for signs of mental illness;
- But the statewide number of screenings that are conducted and the number of mentally ill persons in jail is unknown;
- Most defendants screened positive quickly leave the jail to return to the community and are not assessed as mandated by law;

*Framework adopted for the first time in SB 1067 (Whitmire/Place) in 1993

Review Texas 1993 Screening and Assessment (cont.)



- There is limited capacity to conduct timely assessments (or now written reports) for everyone who is identified early at jail intake;
- The number of people who end up in community treatment is small given the number of people who can qualify for treatment; and,
- The required reporting to OCA on the number of assessments that are conducted is unreliable at this time.

*Framework adopted for the first time in SB 1067 (Whitmire/Place) in 1993

Background – State Legal Requirements



Person Booked in
County Jail



**Texas Code of Criminal Procedures,
Section 16.22 Screening and
Assessment**

Step 1

Screened with Texas Commission
on Jail Standards (TCJS) Screening
Form for Suicide and Medical and
Mental Impairments

Continuity of Care Query (CCQ) for
potential record in Department of
State Health Services (DSHS)



Step 2

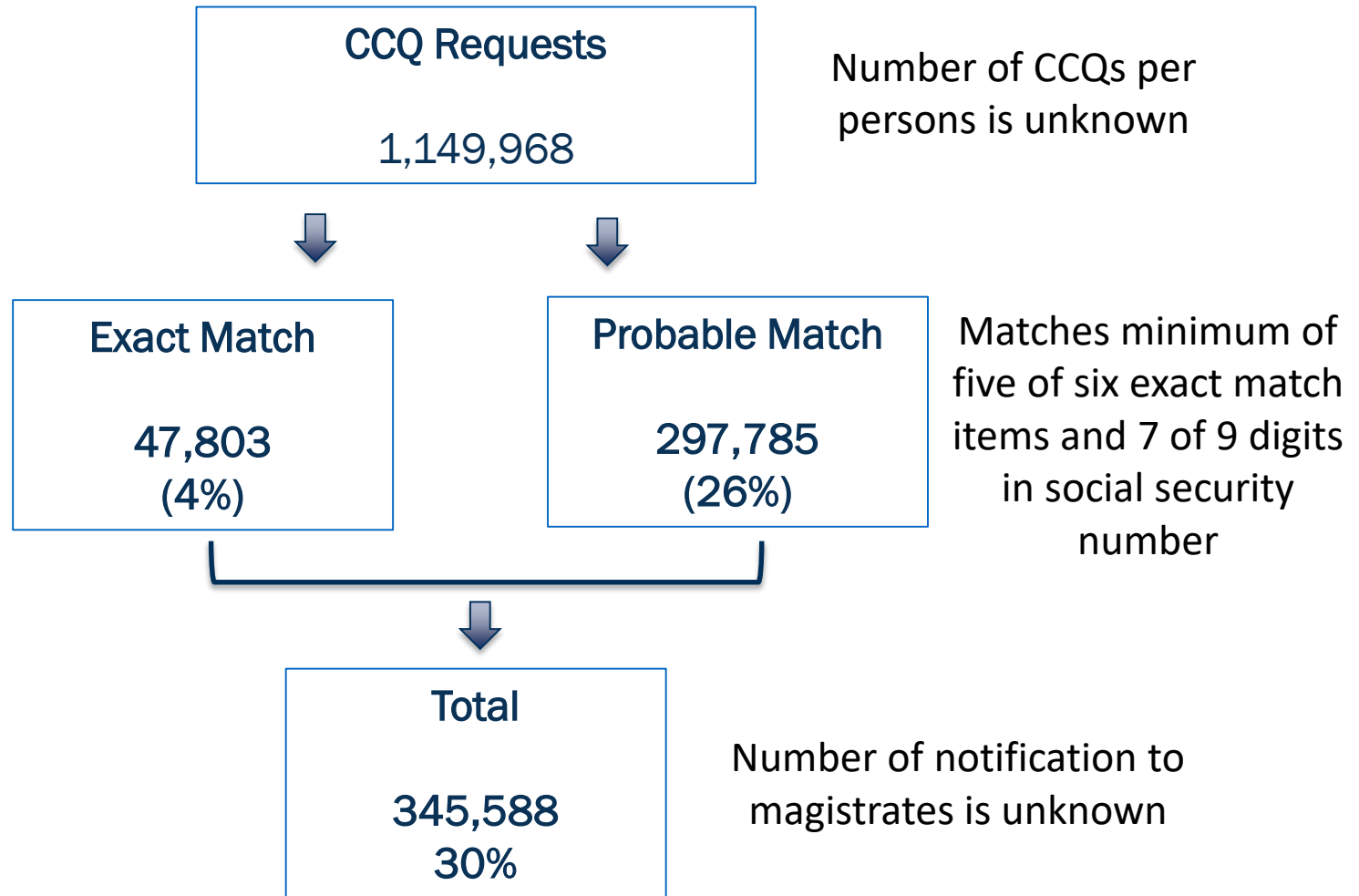
If flagged in screening,
mandatory notice to jail
supervisor and magistrate of
suspicion of mental illness

Screening tool
developed by
TCJS in 2000;
updated in 2017

CCQ created in
2005 as part
of background
checks

1995 Health and Safety Code
amended to allow for
exchange on information
(Sec. 614.017)
(HB 601, Legislative Session
of 2019)

CCQ Requests and Hits in Calendar 2019



Background – State Legal Requirements (continued)

Step 3

Magistrate shall order MH
“written report”

Written report to magistrate
after interview the defendant

Report to magistrate or judicial
official using TCOOMMI Uniform
Form

Report to TDCJ if defendants
transferred to TDCJ

Monthly number of reports
required to be reported to the
Office of Court Administration
(OCA)

(HB 601, Legislative Session of
2019)

Step 4

Mandatory transmission to
magistrate and judicial officials using
TCOOMMI standardized form

Within 96 hours if person still in jail

Within 30 days if person is not in custody

OCA Number of Statewide Reports*

November 2018 to October
2019 (12 months)

31,192

*OCA spreadsheet received January 2, 2020.

TCCOOMMI Form "Observations and Findings"

COLLECTION OF INFORMATION FORM FOR MENTAL ILLNESS AND INTELLECTUAL DISABILITY
Approved by the Texas Government Office on Offenders with Mental or World Impairments (TTCOMMI)

SECTION I. DEFENDANT INFORMATION
Defendant Name (Last, First): _____
Date of Birth: _____
Last Four Digits of Social Security Number: _____
County of Jurisdiction: _____

SECTION II. PREVIOUS HISTORY
Has the defendant been determined to have a mental illness or to be a person with an intellectual disability within the last year?
 Yes No

SECTION III. CURRENT INFORMATION
Most Recent Diagnosis and Date(s) (if available): _____

At time of the collection of information or as indicated on the jail screening form, the inmate and/or developmental impairments, in the defendant's ability to understand, assist, or testify according to self-report?
 Other: Circle Above No Not Applicable: Reason: _____

Observations and Findings Based on Information Collected:
 Defendant is a person who has a mental illness. Defendant is a person who has an intellectual disability.
 There is clinical evidence to support the belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B, Code of Criminal Procedure.
 Any appropriate or recommended treatment or service:

 None of the above.

SECTION IV. INFORMATION OF PROFESSIONAL SUBMITTING PERSON
Name, Credentials & Organization of Person Submitting Form: _____ Date of Submission: _____

Observations and Findings Based on Information Collected:

Defendant is a person who has a mental illness. Defendant is a person who has an intellectual disability.

There is clinical evidence to support the belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B, Code of Criminal Procedure.

Any appropriate or recommended treatment or service:

None of the above.

Background – State Legal Requirements (continued)



**Texas Code of Criminal Procedures,
Section 17.032 Screening and Assessment**

Step 5

Decision to release from jail on personal bond with community treatment as a condition if treatment and offense criteria are met

.....a magistrate shall release a defendant on personal bond unless good cause is shown otherwise if.....

Number Unknown

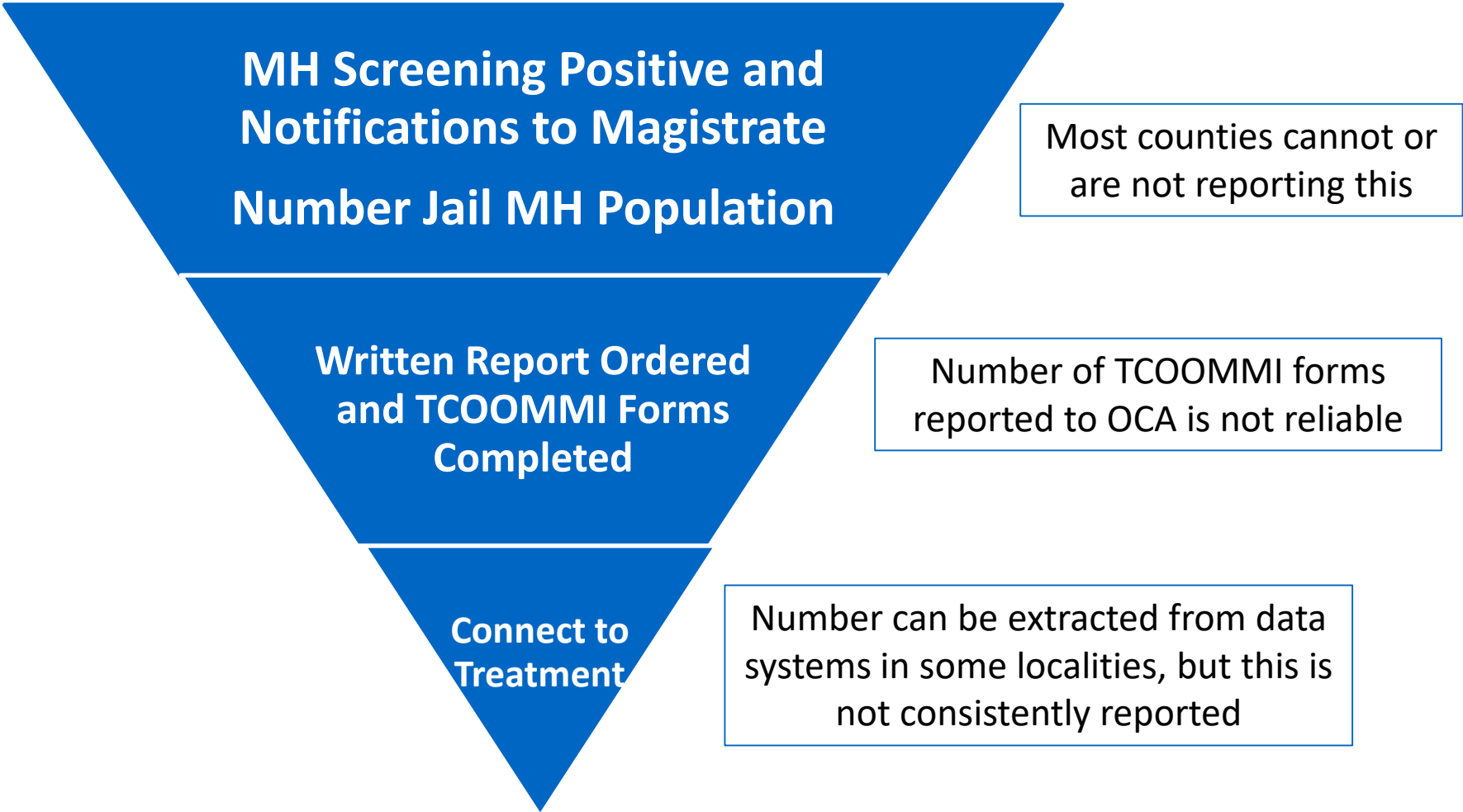
Overview of Presentation

Review the CCP 16.22 (jail MH screening and subsequent required written report) and CCP 17.032 (MH Bond) framework

Review the importance of numbers in improving these processes

Review basic key metrics

Key Metrics



From Most Recent Published Reports in Dallas

January 2019 to September 2019 (9 months)

Source: Jail Population Committee Meeting
October 11, 2019 population report

Jail Bookings
47,708



Total Unique Individuals
Flagged for Mental
Health*
31,197
(65%)



Assessment Completed
1,252
(4% of flagged)



MH PR and Connected
to Services
399
(32% of assessments)



OCA Number of Dallas Reports
November 2018 to October 2019 (12 months)
742

*Flagged by checking North Star ID, NTBHA ID, TLETS/
CCQ Match, PAP Flag (Parkland Jail Health Psychological Assessment Program),
MH AIS Flag (Texas Commission of Jail Standards Screening)

OCA Reporting Instructions

“Report **the number of mental illness/intellectual disability written reports completed** by a licensed professional and provided to the trial court by a magistrate pursuant to Article 16.22, Code of Criminal Procedure: An interview and report are ordered by the magistrate upon determining that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability. The interview is conducted by the local mental health authority, local intellectual and developmental disability authority, or another qualified mental health or intellectual disability expert, and **the findings are documented on a form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments. Do not report screening forms received from the jail, magistrate notification forms, or orders for an interview and report.**”

Reliability of Numbers Reported to OCA Suspect

OCA Number of
Statewide
Reports

31,192

November 2018
to October 2019
(12 months)

177 Counties had **no reports** –
these four are example of
populous counties not reporting

Randall (Amarillo)
Potter (Amarillo)
Ector (Odessa)
Lubbock

Henderson Co. is 7th highest in
state with 1,950 Reports

80,000 county population
Jail pop. 310
More reports than CCQ hits
(1,213 CCQs for 2019)

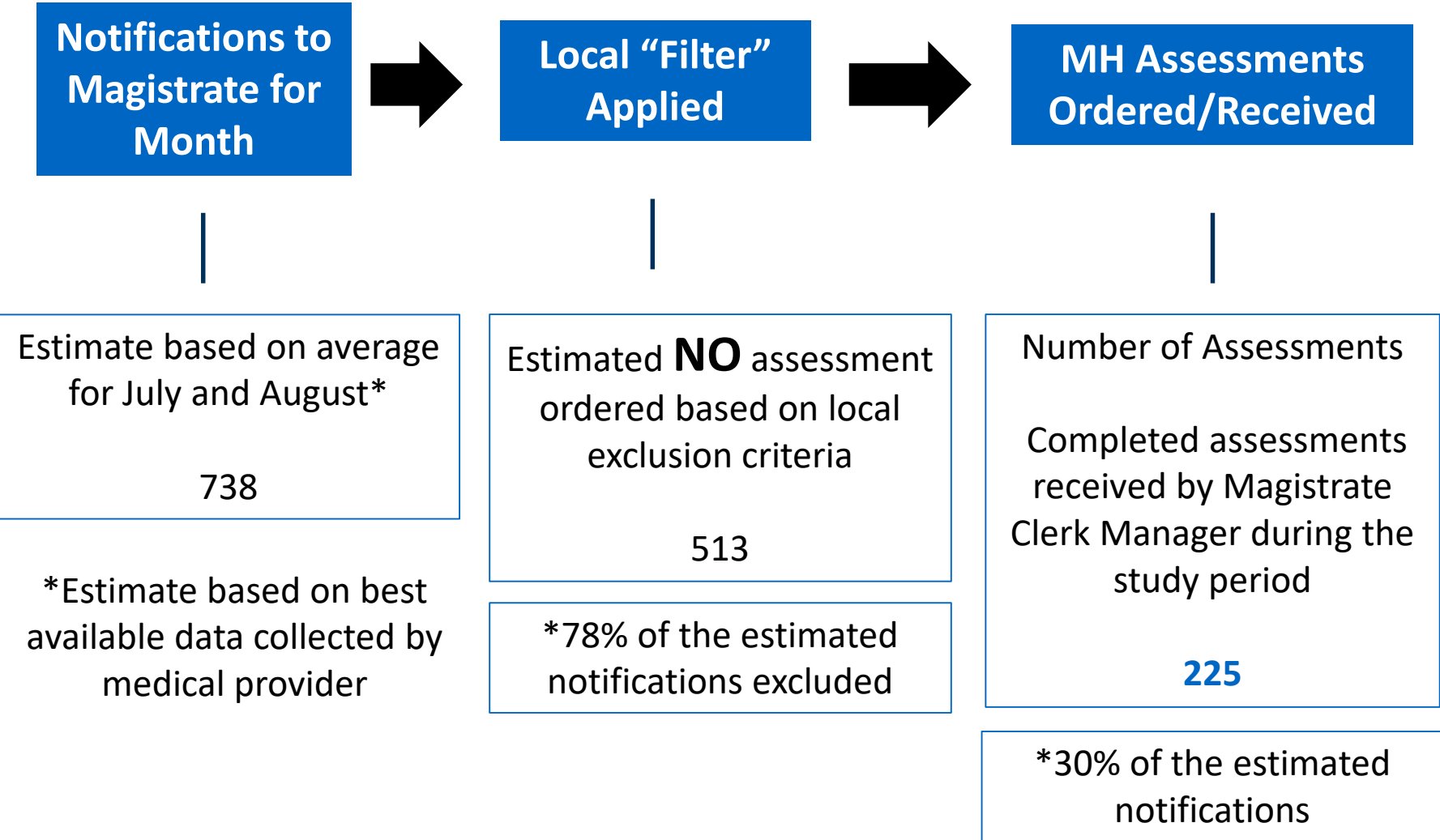
Harris Co. reports 4,017
compared to Galveston Co 2,263

Harris's jail population is 9.3x
higher than Galveston but has
only 1.8x as many reports

Tarrant Co. reports 7,578

23.7% of all the reports to OCA
Jail pop. = 7% of state jail pop.

Case Study One Month – Example in a Fairly Large County

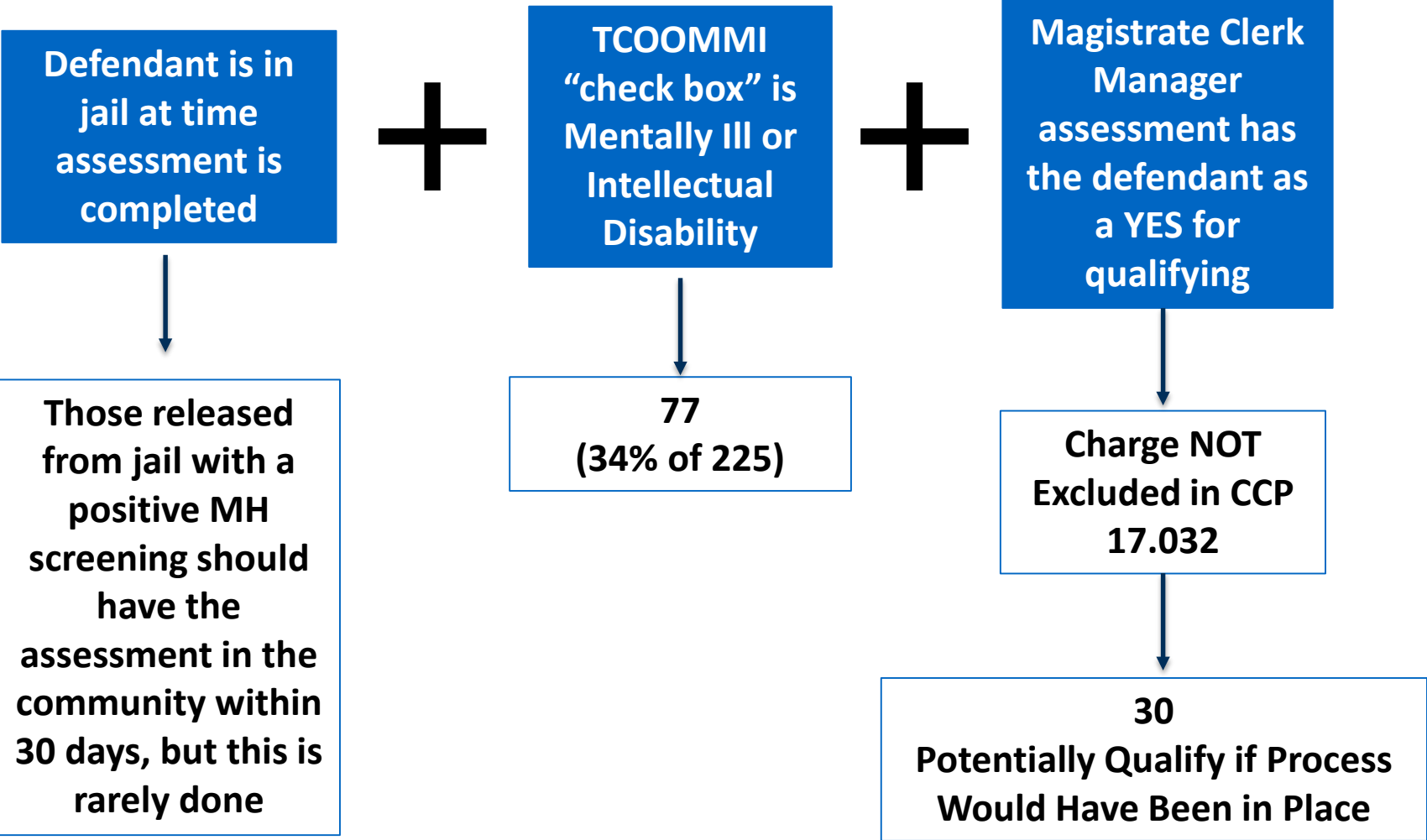


Case Study – Local Criteria for Not Ordering an Assessment

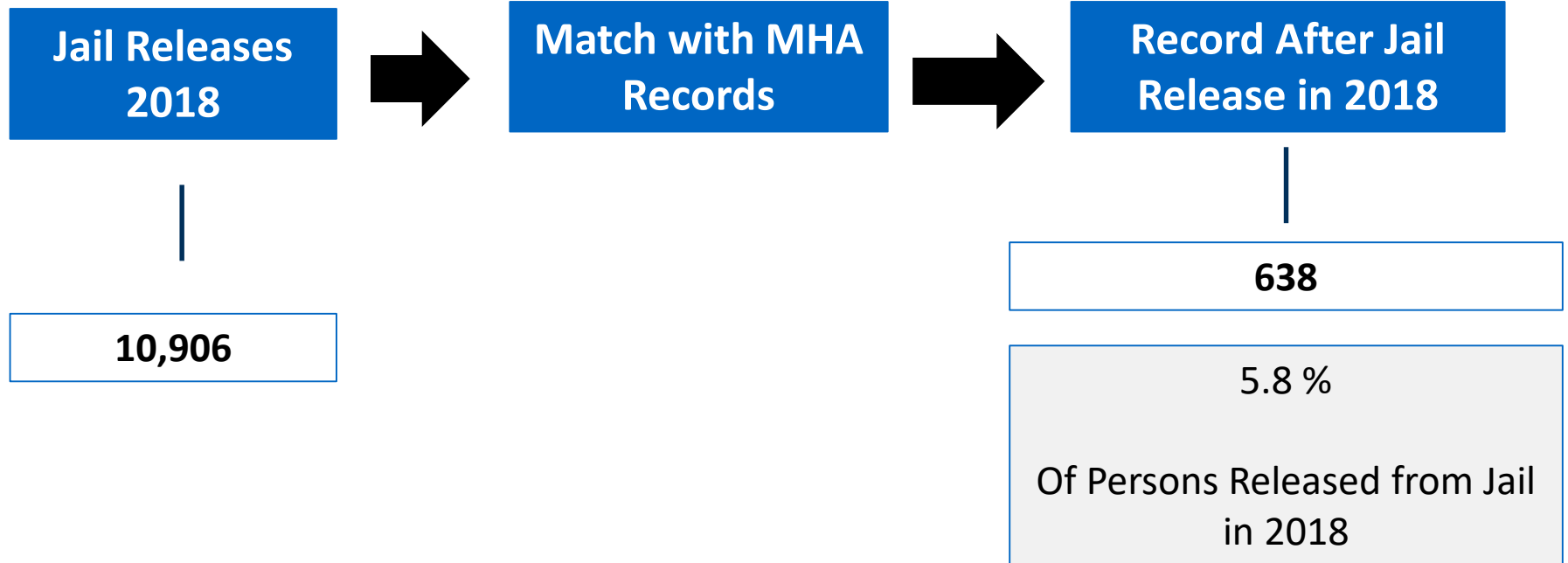
- Municipal Holds
- Class C Misdemeanors
- Out of County Warrants
- Sentenced to jail time
- Conditions of Bond
- Conditions of Probation
- Parole Violators
- Weekend Time
- TDCJ Sentence
- Bond Revocation
- Bench Warrants for Testimony
- Rebooks after Transferred and Returned from Other Facilities
- Temporary Housing for Other Agencies
- Family Contempt Child Support
- Affidavit of Default Fines & Court Costs
- Remote bonds from city intake center
- Immigration Holds
- Federal Holds

These type of cases do not typically go in front of a magistrate for CCP 16.22

Case Study – Criteria to Qualified for CCP 17.032



Same County Case Study - Jail Releases Matched with MH Authority



Case Study – Connected to Treatment Big Picture Summary

Individuals with Record in MH Authority After a Jail Release in 2018
638 Adults

No Level of Care Reported Post Jail Release

230
(36%)

36% Started the LMHA admissions process but did not return for psychiatry
29% Crisis Services
17% Substance Abuse Inpatient
12% Continuity of Care

Level 0 & 5
Crisis Services

85
(13.32%)

59% In-patient
41% Out-patient

Levels 1 to 4
Medications, Skill
Training & Case
Management

323
(50.62%)

Overview of Presentation

Review the CCP 16.22 (jail MH screening and subsequent required written report) and CCP 17.032 (MH Bond) framework

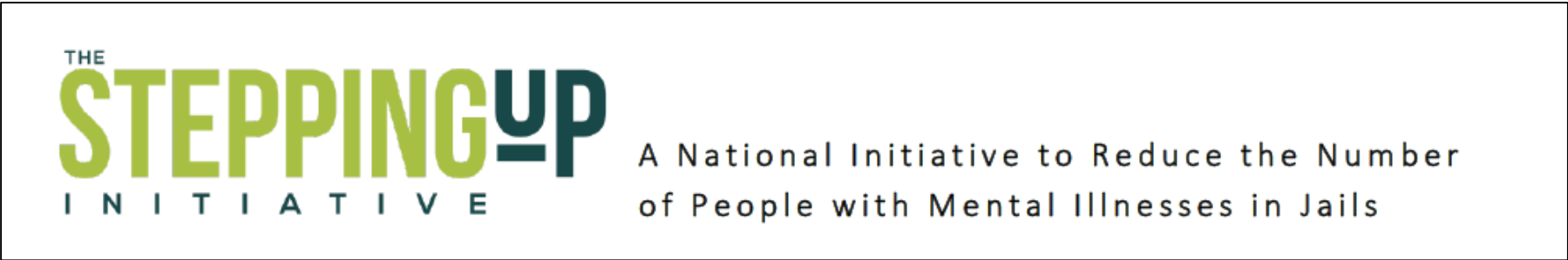
Review the importance of numbers in improving these processes

Review basic key metrics

National Stepping Up Initiative – 13 Texas Counties

Council of State Governments (CSG), National Association of Counties (NACO), American Psychiatric Association Foundation (APA) (Start 2015)

500 counties have joined the initiative as of August 2019



Texas		
Bell	Bexar	Brazos
Dallas	El Paso	Fort Bend
Lubbock	McLennan	Tarrant
Travis	Waller	Wise

Plus Harris County – passed resolution joining January 9, 2020

*<https://stepuptogether.org/updates/stepping-up-initiative-celebrates-500-counties-milestone>

National Stepping Up Commitment

“As part of this Call to Action, county elected officials are being asked to pass a resolution and work with other leaders (e.g., the sheriff, judges, district attorney, treatment providers, and state and local policymakers), people with mental illnesses and their advocates and other stakeholders to reduce the number of people with mental illnesses in jails.”*

Stepping Up Initiative Resolution TEMPLATE:

“Stepping Up Initiative to Reduce the Number of People with Mental Illnesses in Jail” – Date

WHEREAS, counties routinely provide treatment services to the estimated 2 million people with serious mental illnesses booked into jail each year; and

WHEREAS, prevalence rates of serious mental illnesses in jails are three to six times higher than for the general population; and

WHEREAS, almost three-quarters of adults with serious mental illnesses in jails have co-occurring substance use disorders; and

WHEREAS, adults with mental illnesses tend to stay longer in jail and upon release are at a higher risk of recidivism than people without these disorders; and

WHEREAS, county jails spend two to three times more on adults with mental illnesses that require interventions compared to those without these treatment needs; and

WHEREAS, without the appropriate treatment and services, people with mental illnesses continue to cycle through the criminal justice system, often resulting in tragic outcomes for these individuals and their families; and

WHEREAS, [INSERT YOUR COUNTY'S NAME] and all counties take pride in their responsibility to protect and enhance the health, welfare and safety of its citizens in efficient and cost-effective ways; and

WHEREAS, [INSERT COUNTY SPECIFIC INFO/DATA TO HIGHLIGHT e.g. Brevard County has developed its Restorative Courts which helps people stay out of jail by offering mental health and substance use disorder treatment]; and

- Collect and review prevalence numbers and assess individuals' needs to better identify adults entering jails with mental illnesses and their recidivism risk, and use that baseline information to guide decision making at the system, program, and case levels.
 - Examine treatment and service capacity to determine which programs and services are available in the county for people with mental illnesses and co-occurring substance use disorders, and identify state and local policy and funding barriers to minimizing contact with the justice system and providing treatment and supports in the community.
 - Develop a plan with measurable outcomes that draws on the jail assessment and prevalence data and the examination of available treatment and service capacity, while considering identified barriers.
 - Implement research-based approaches that advance the plan.
 - Create a process to track progress using data and information systems, and to report on successes.
- PASSED AND APPROVED in this ____ day of _____, 2015.
- By: _____ Name: _____ Title: _____
- By: _____ Name: _____ Title: _____
- By: _____ Name: _____ Title: _____
- By: _____ Name: _____ Title: _____

Commitment Made by Texas Stepping Up Counties

“Collect and review prevalence numbers and assess individuals’ needs to better identify adults entering jails with mental illnesses and their recidivism risk and use that baseline information to guide decision making at the system, program, and case levels.”

“Develop a plan with measurable outcomes that draws on the jail assessment and prevalence data and the examination of available treatment and service capacity, while considering identified barriers.”

Which Stepping Up Counties Can Give Us Key Metrics?

Number of Texas Commission on Jail Standards (TCJS) Screenings?

Number TCJS Screenings in which suspicion of MH or ID was identified?

Number of notifications to magistrates of a suspicion of MH or ID in the TCJS screening?

Give Us Key Metrics? (continued)

Number of “written reports” ordered based on CCP 16.22?

Number of “written reports” with a MH or ID “check mark” in the TCOOMMI form?

Observations and Findings Based on Information Collected:

Defendant is a person who has a mental illness. Defendant is a person who has an intellectual disability.

There is clinical evidence to support the belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B, Code of Criminal Procedure.

Any appropriate or recommended treatment or service:

None of the above.

Give Us Key Metrics? (continued)

Number of CCP 17.032 hearings?

Number of jail releases connected to treatment?

Distribution of Level of Services for jail releases connected to treatment?

Number of those connected to treatment that were re-admitted to the jail within one-year following jail release?

Give Us Key Metrics? (continued)

Number of people sitting in jail at end of month
identified as Seriously Mentally Ill (SMI)
(Priority Population Diagnosis)

Statistics Should Specify Definition of Mental Illness

DECEMBER 2016

Reducing the Number of People with Mental Illnesses in Jail

Six Questions County Leaders Need to Ask

Risë Haneberg, Dr. Tony Fabelo, Dr. Fred Osher, and Michael Thompson

What Does “Mental Illness” Mean?

The term “mental illness” is defined by *The Diagnostic and Statistical Manual of Mental Disorders*, 5th Edition, as “a syndrome characterized by clinically significant disturbance in an individual’s cognition, emotion regulation, or behavior that reflects dysfunction in the psychological, biological, or developmental processes underlying mental functioning.”²

For the purposes of the *Stepping Up* initiative, “people with mental illnesses” should be understood also to encompass people with co-occurring substance use disorders, as well as “serious mental illness” (SMI) or “serious and persistent mental illness” (SPMI), which are defined as a mental, behavioral, or emotional disorder that is diagnosable within the past year, is chronic or long lasting, and results in a significant impairment in social, occupational, or other important areas of functioning.³ Some states use SMI and SPMI interchangeably, while others differentiate between SMI and SPMI based on the severity of the associated functional impairment.

Some states specify the diagnoses that they accept as qualifying for an SMI, including schizophrenia, schizoaffective disorder, bipolar disorder, and severe forms of major depression and anxiety.

Numbers Are Necessary to Unveil Reality

Why is Collecting Baseline Data Important?



The core premise of Stepping Up is to reduce the prevalence of people with mental illnesses in jails.

In order to do this, counties must have accurate and accessible data on the number of people with SMI in jails, and then measure their progress against that benchmark.

Judicial Leadership Example in Travis County

Travis County Stepping Up Resolution, Oct. 2015

Example

Travis County 427th Criminal District Court Judge Tamara Needles presently spearheading the development of the Stepping Up metric dashboard in Travis County

What Should the Commission Do?

1. Inventory of the Stepping Up Counties to Determine Capacity to Measure Screening and Assessment Protocols?

2. Technical Assistance to Identify Local Judges That May Want to Head a Metrics Improvement Effort?

3. Training Targeting Improvements in Reporting to OCA of the TCOOMMI Written Report Numbers as Required by Law?

Thank You!

Dr. Tony Fabelo
tfabelo@texasstateofmind.org
