




Judicial Summit on Mental Health


Texas Code of Criminal Procedure Article 16.22

Judge Grace M. Uzomba


Learning Objectives:

- **A Court's application of the Texas Code of Criminal Procedure, Chapter 16, Art. 16.22 in misdemeanor cases**
 - **Explore the importance of educating the judiciary, prosecutors, and defense attorneys in using the form that has been developed to provide the results of the mental health screening**
 - **Determining the best practices and the process to disseminate the Art. 16.22 form to the attorneys for consideration in case negotiations and outcome**
 - **Unveiling concerns regarding the veracity of the Art. 16.22 information**
 - **Considering the resources available in the community**
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Application of the Texas Code of Criminal Procedure, Chapter 16, Art. 16.22 in Misdemeanor Cases

- Ensure review by defense attorneys and prosecutors
 - Competency issues?
 - If a defendant is identified with an MIID
 - Consideration of screener's recommendation
 - Judicial consideration & sentencing
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Importance of Form 16.22

- 4.13% or 13,605,068 of the general population in the U.S. has a serious mental illness
 - 17% of jail inmates have a serious mental illness
 - Why is it important? Because it affects so many people.
 - It is required by law
 - A written report of interview and other info collected shall be provided to magistrate. Magistrate shall provide copies to the defense council, state attorney, and trial court, Art. 16.22 (B-1)
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The Best Practices and the Process to Disseminate the Art. 16.22 Form

- Mandatory CLE annual topic
 - Make it part of e-Discovery to defense attorneys
 - Judge ensures review and discussion of the form by the attorneys
 - Judge considers it in sentencing
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Concerns Regarding the Veracity of the Art. 16.22

- Who prepares the article 16.22 form?
 - No findings, not applicable, no recommendations - why bother?
 - Self reporting vs diagnosis
 - Defendant's understanding of questions (*"I thought they were talking about my family."*)
 - Correlation of diagnosis and recommendation
 - Legibility
 - Form design to aid in distinguishing the information
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Resources Available in the Community

- Texas Mental Health Resource Guide
 - ~Judge Barbara Hervey
- Specialty Courts
- NAMI; National Alliance on Mental Illness
- Non-profit organizations
 - Haven for Hope, SATX
- Treatment centers, hospitals, individuals



75% Service Gap

- Alternative tracks in adult drug courts

High Need High Risk <ul style="list-style-type: none">● <i>Most Specialty Courts</i>	High Need Low Risk
Low Need High Risk	Low Need Low Risk