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THE SUPREME COURT OF TEXAS

THE TEXAS COURT OF CRIMINAL APPEALS

# Judicial Commission on Mental Health

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August 10, 2018  
Meeting Notebook

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



# Judicial Commission on Mental Health

August 10, 2018  
Meeting Notebook

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# Judicial Commission on Mental Health

State Bar of Texas, Texas Law Center

Austin, Texas

August 10, 2018

9:30 a.m. to 3:00 p.m.

## AGENDA

- |              |  |  |
|--------------|--|--|
| <b>9:30</b>  | <b>Welcome and Announcements</b>   | Judge Barbara Hervey<br>Justice Jeff Brown               |
| <b>9:45</b>  | <b>Texas Judicial Council Update</b>                                       | Justice Bill Boyce                                       |
| <b>10:00</b> | <b>Presentation from Meadows Mental Health Policy Institute Discussion</b> | Dr. Andy Keller  |
| <b>10:45</b> | <b>Health and Human Services Commission Report</b>                         | Assoc. Commr. Trina Ita<br>Dep. Exec. Commr. Mike Maples |
| <b>11:15</b> | <b>Jurist In Residence Report</b>  | Judge John Specia (ret.)                                 |
| <b>11:25</b> | <b>Executive Director Report</b>   | Kristi Taylor  |
| <b>11:45</b> | <b>Working Lunch</b>   |  |
| <b>12:00</b> | <b>Beyond the Bench</b>  | Judge Brent Carr   |
| <b>1:20</b>  | <b>Break</b>   |  |
| <b>1:30</b>  | <b>Beyond the Bench Continued</b>  |  |
| <b>2:10</b>  | <b>Beyond the Bench Discussion</b>   |  |
| <b>3:00</b>  | <b>Adjourn</b>   |  |





Insert Tab 2



# JUDICIAL COMMISSION ON MENTAL HEALTH COMMISSIONERS

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**Hon. Jeff Brown, Co-Chair**

Justice  
Supreme Court of Texas

**Hon. Barbara Hervey, Co-Chair**

Judge  
Texas Court of Criminal Appeals

**Hon. Bill Boyce, Vice Chair**

Justice  
Fourteenth Court of Appeals

**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  
Texas Health and Human Services Commission

**Hon. Ernie Glenn**

Drug Court Magistrate  
Bexar County

# JUDICIAL COMMISSION ON MENTAL HEALTH COMMISSIONERS

---

**Hon. Sid Harle**

District Court Judge  
Bexar County, 226th Criminal District Court

**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

**Chief James McLaughlin**

Executive Director  
Texas Police Chiefs Association

# JUDICIAL COMMISSION ON MENTAL HEALTH COMMISSIONERS

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**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

**Hon. Cynthia Wheless**

Judge  
Collin County, 417th Judicial District Court



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# JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

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**Hon. Mark Allen**

Judge  
Jasper 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

**Hon. Daphne Previti Austin**

Judge  
Bexar County, 289th Juvenile District Court

**Lauren Bledsoe**

Trauma-Informed Care Program Specialist  
Department of Family Protective Services

**Jay Brandon**

Assistant District Attorney  
Bexar County

**Dr. Virginia Brown**

Assistant Professor  
Dell Medical Center at University of Texas

**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

# JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

---

**Hon. Rex Davis**

Justice  
Tenth Court of Appeals

**Leah Davies**

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

**Alyse Ferguson**

Chief Attorney  
Collin County Mental Health Managed Counsel

**Lesli Fitzpatrick**

Specialty Court Coordinator  
Williamson County DWI/Drug Court

**Gilbert Gonzales**

Director  
Department of Behavioral and Mental Health  
Bexar County

**Greg Hansch**

Public Policy Director  
NAMI Texas

**Dr. Courtney Harvey**

Forensic Director  
Texas Health and Human Services Commission

**Elizabeth Henneke**

Executive Director  
Lone Star Justice Alliance

**Colleen Horton**

Policy Program Officer  
Hogg Foundation for Mental Health

**Angelita Hunter**

Judicial Clerk  
City of McKinney Municipal Court

**Trina K. Ita**

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

# JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

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**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

**Joanna Mendez**

Community Wellness Counselor  
Refugee Services of Texas

# JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

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**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

**Brigid Sheridan**

Associate General Counsel  
University Health System

**Matt Smith**

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

**Jeanne Stamp**

Director  
Texas Homeless Education Office  
West Pickle Research Building

**Hon. Charles Stephens**

Judge  
Comal County Court at Law #2

**Larry Temple**

Executive Director  
Texas Workforce Commission

**Gloria Terry**

Chief Executive Officer  
Texas Council on Family Violence

**Rick Thompson**

Senior Legislative Manager  
Texas Association of Counties

# JUDICIAL COMMISSION ON MENTAL HEALTH COLLABORATIVE COUNCIL

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**Hon. Ryan Kellus Turner**

General Counsel and Director of Education  
Texas Municipal Court Education Center

**Keona Ugwuh**

Community Supervision Officer  
Dallas County

**Dee Wilson**

Texas Correctional Office on Offenders with  
Medical or Mental Impairments

**Dennis Wilson**

Sheriff, Limestone County  
Sheriff's Association

**Steve Wohleb**

Senior Vice President/General Counsel  
Texas Hospital Association

**Julie Wayman**

Behavioral and Mental Health School Health & Related Services Coordinator  
Texas Education Agency

**Thea Whalen**

Executive Director  
Texas Justice Courts Training Center

**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



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# JUDICIAL COMMISSION ON MENTAL HEALTH BENCHBOOK COMMITTEE

---

**Hon. Camile DuBose, Chair**

Judge  
Medina County, 38th Judicial District

**Hon. Bill Boyce**

Justice  
Fourteenth Court of Appeals

**Hon. Nelda Cacciotti**

Mental Health Magistrate  
Tim Curry Criminal Justice Center

**Hon. Rex Davis**

Justice  
Tenth Court of Appeals

**Alyse Ferguson**

Chief Attorney  
Collin County MH Managed Counsel

**Dr. Courtney Harvey**

Forensic Director  
Texas Health and Human Services

**Hon. David Jahn**

Associate Judge  
Denton County Probate Court

**Lee Johnson**

Deputy Director  
Texas Council of Community Centers

**Brian Shannon**

Professor  
Texas Tech School of Law

**Hon. Ryan Turner**

General Counsel & Director of Education  
Texas Municipal Court Educators



# JUDICIAL COMMISSION ON MENTAL HEALTH CURRICULUM COMMITTEE

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---

**Hon. Mark Allen**

Judge  
Jasper County

**David Aronofsky**

Professor  
American Law Institute

**Hon. Brent Carr**

Judge  
Tarrant County, Criminal Court No. 9

**Dr. Tony Fabelo**

Senior Fellow for Justice Policy  
Meadows Mental Health Policy Institute

**Lesli Fitzpatrick**

Specialty Court Coordinator  
Williamson County Court at Law #2

**Gilbert Gonzales**

Director  
Bexar County Dept. of Behavioral and Mental Health

**Dr. Courtney Harvey**

Forensic Director  
Texas Health and Human Services Commission

**Lee Johnson**

Deputy Director  
Texas Council of Community Centers

**Adrienne Kennedy**

President  
National Alliance on Mental Illness

**Hon. M. Sue Kurita**

Judge  
El Paso County Court at Law No. 6

**Mike Lozito**

Director Judicial Services  
Bexar County Pretrial Services

# JUDICIAL COMMISSION ON MENTAL HEALTH CURRICULUM COMMITTEE

---

**Hon. Roxanne Nelson**

Judge

Burnet County Precinct 1

**Hon. Robert Newsom**

Judge

Hopkins County

**Denise Oncken**

Bureau Chief

Harris County District Attorney, Mental Health Bureau

**Janis Reinken**

Chief Clerk

House Committee on Corrections

**Judge John Specia**

Plunkett, Griesenbeck and Mimari, Inc. (ret.)

**Hon. Polly Jackson Spencer**

Judge (ret.)

Bexar County Probate Court

**Hon. Charles Stephens**

Judge

Comal County Court at Law #2

**Steve Wohleb**

Senior Vice President/General Counsel

Texas Hospital Association

Insert Tab 5



# **IN THE SUPREME COURT OF TEXAS AND THE TEXAS COURT OF CRIMINAL APPEALS**

**Supreme Court Misc. Docket No. 18-9025  
Court of Criminal Appeals Misc. Docket No. 18-004**

## **ORDER ESTABLISHING JUDICIAL COMMISSION ON MENTAL HEALTH**

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Recognizing that improving the lives of Texans who are affected by mental health issues and are involved in the justice system requires judicial leadership at the highest level, in June 2016 the Supreme Court of Texas directed the Texas Judicial Council to establish a Mental Health Committee. The Court charged the Mental Health Committee with examining best practices in the administration of civil and criminal justice for persons with mental illness.

The Mental Health Committee determined that Texas requires additional resources to ensure that: (1) mental health providers and professionals are able to provide timely and complete mental health assessments; (2) community-based mental health services are available to defendants; (3) outpatient treatment services and education services are available to those providing competency restoration services; (4) inpatient mental health facilities other than those operated by the Department of State Health Services are available for purposes of competency restoration; and (5) jail-based competency restoration programs, either state-funded or county-funded or both, are available.

The Texas Legislature invests heavily each year in behavioral and mental health systems to address mental illness and associated disorders. Yet the criminal justice system still serves as a default provider of mental health services for many Texans. This impact is most often felt at the local level where jail costs related to mental illness exceed \$50 million each year in some counties.

Courts and the justice system have a profound impact on mental health services provided to children, adults, and families in this state, and the stakes are exceedingly high. As gatekeepers for families and individuals in crisis, courts must make life-altering decisions that require knowledge of multiple and complex issues such as childhood and adult trauma, abuse, neglect, intellectual and developmental disabilities, substance use, family violence, poverty, racism, and military combat, and how each affects a person's mental health. Too often, courts lack the technology, training, and resources needed to make well-informed decisions.

The Mental Health Committee identified other problems that traditionally exist where complex human service systems intersect with the judicial system, including:

- overcrowded dockets, leaving courts inadequate time to thoughtfully consider the multiple issues that persons with mental illness present and confront;
- a lack of communication, coordination, and collaboration between and among the courts, the state and local mental health providers, attorneys, and mental health advocates;
- a need for specialized, multidisciplinary legal training, and the means to develop and share best practices;
- a lack of technology to efficiently manage dockets and to track and analyze cases and caseloads involving mental health challenges;
- a lack of adequate training and fair compensation for attorneys;
- a need for the children and adults involved in the justice system to have a voice in decisions that affect their lives; and
- a lack of community resources to provide adequate mental health services to children, youth, and families.

The Mental Health Committee also recommended the establishment of a permanent judicial commission on mental health, similar to the Supreme Court’s Children’s Commission, the Texas Access to Justice Commission, and the Texas Indigent Defense Commission.

Many organizations and individuals throughout the state share a commitment to improving mental health services to Texans, but no single entity is able to coordinate and implement a comprehensive effort aimed at the improvement of the administration of justice in this area.

On January 11, 2018, the Supreme Court and the Court of Criminal Appeals held a historic joint hearing to gather input on what should comprise the priorities of a statewide judicial commission. Mental health experts, state and tribal judges, law enforcement, veterans, juvenile services experts, psychologists, psychiatrists, and persons with lived experience with these systems, provided valuable insight at the hearing and voiced unqualified support for the creation of a statewide judicial commission.

Therefore, the Supreme Court of Texas and the Texas Court of Criminal Appeals (“the two Courts”), having reviewed the report of the Judicial Council’s Mental Health Committee, and



understanding the urgency expressed by various community stakeholders and participants in the Texas mental health system, HEREBY ORDER:

The Judicial Commission on Mental Health (“the Commission”) is created to develop, implement, and coordinate policy initiatives designed to improve the courts’ interaction with—and the administration of justice for—children, adults, and families with mental health needs.

The Judicial Council’s Mental Health Committee, chaired by the Honorable Bill Boyce of Houston, is commended for its examination of best practices and identification and review of innovative approaches to improve the administration of justice in cases involving mental health issues. The Judicial Council’s Mental Health Committee will remain intact until it is dissolved by the Judicial Council upon the Commission’s recommendation, at which time the Committee’s duties will transition to the Commission.

The Commission will:

- develop a strategic plan for strengthening courts and the administration of justice in relation to Texas’ mental health system;
- identify and assess current and future needs for the courts to be more effective in achieving positive outcomes for Texans with mental illness;
- promote best practices and programs that are data-driven, evidence-based, and outcome-focused;
- improve collaboration and communication among courts and the mental health system stakeholders;
- endeavor to increase resources and funding and maximize the effective and efficient use of available judicial system resources;
- promote appropriate judicial training regarding mental health needs, systems, and services;
- establish a collaborative model that will continue systemic improvement within the judiciary beyond the tenure of individual Commission members;
- oversee the administration of funds appropriated and granted to the Commission; and
- provide progress reports to the two Courts.

The Commission will consist of no fewer than fourteen (14) Commissioners. The Commission will be co-chaired by a justice of the Supreme Court of Texas and a judge of the Texas Court of Criminal Appeals appointed by their respective Courts. The two Courts shall appoint a justice from the Texas Courts of Appeals to serve as Vice Chair of the Commission. The first collection of Commissioners shall be appointed by a joint order of the two Courts. Thereafter, new Commissioners shall be appointed jointly by the Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals (“the two chiefs”). Each Commissioner shall serve a two-year term and may be renewed by the two chiefs at their discretion. A vacancy on the Commission is created by a Commissioner’s three consecutive absences from scheduled Commission meetings, subject to reappointment or the resignation of the Commissioner.

The Commissioners shall include members of the judiciary, members of the juvenile, criminal, and child protection systems and community, representatives of the business and legal communities, representatives of foundations or organizations with a substantial interest in mental health matters, and other state and local leaders who have demonstrated a commitment to mental health matters affecting Texans.


The Governor is invited to designate a person to serve as an ex-officio member of the Commission. The Lieutenant Governor and the Speaker of the House are invited to designate a member from the Texas Senate and the Texas House of Representatives, respectively, to serve as ex-officio members of the Commission. Ex-officio members appointed by the Governor, Lieutenant Governor, and Speaker serve at the pleasure of the appointing officer.

The two Courts recognize that participation by a broad spectrum of persons involved with the mental health, juvenile, criminal, and child welfare systems is critical to the Commission’s success. Accordingly, the Commission is empowered to appoint an advisory council as necessary to ensure the Commission is informed by experts in multiple disciplines. Members of the advisory council may attend Commission meetings and may serve on committees as determined by the Commission.

The Commission may adopt rules as necessary for the performance of the Commission’s duties and may form new committees or disband existing committees as it deems appropriate.

The Honorable Jeff Brown, Justice, Supreme Court of Texas, and the Honorable Barbara Hervey, Judge, Texas Court of Criminal Appeals, shall serve as the initial Co-Chairs of the Commission. The Honorable Bill Boyce, Justice, Fourteenth Court of Appeals, shall serve as the initial Vice Chair.

SIGNED BY THE SUPREME COURT OF TEXAS this 13th day of February, 2018.



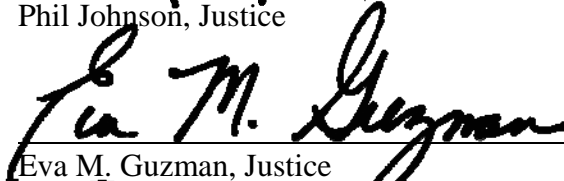
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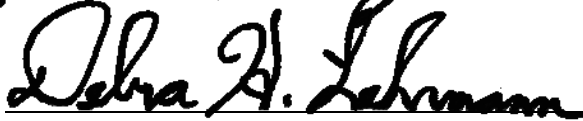
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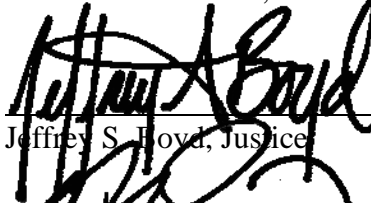
Phil Johnson, Justice



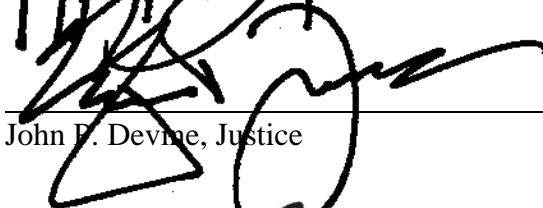
Eva M. Guzman, Justice



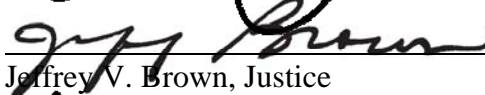
Debra H. Lehrmann, Justice



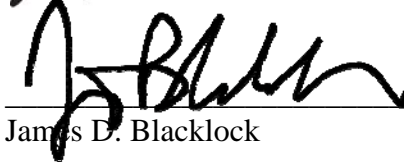
Jeffrey S. Boyd, Justice



John F. Devine, Justice

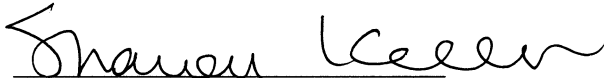


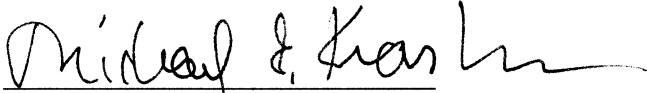
Jeffrey V. Brown, Justice

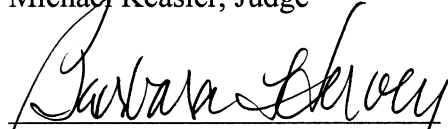


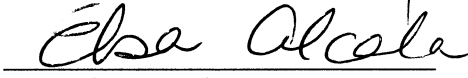
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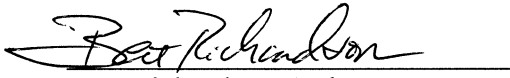
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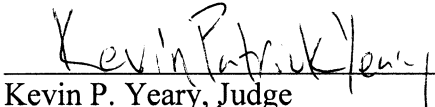
  
Sharon Keller, Presiding Judge

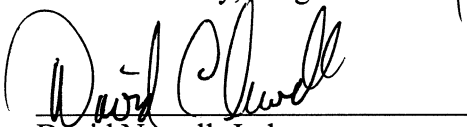
  
Michael Keasler, Judge

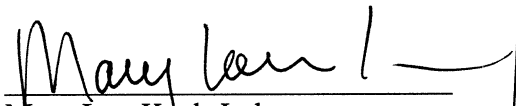
  
Barbara Hervey, Judge

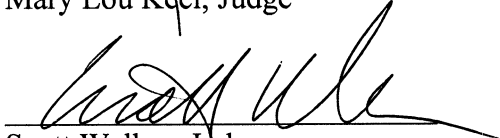
  
Elsa Alcala, Judge

  
Bert Richardson, Judge

  
Kevin P. Yeary, Judge

  
David Newell, Judge

  
Mary Lou Keel, Judge

  
Scott Walker, Judge

# IN THE SUPREME COURT OF TEXAS AND THE TEXAS COURT OF CRIMINAL APPEALS

Supreme Court Misc. Docket No. 18-9059  
Court of Criminal Appeals Misc. Docket No. 18-009

## ORDER APPOINTING JUDICIAL COMMISSION ON MENTAL HEALTH

---

Pursuant to the Order Establishing the Judicial Commission on Mental Health Commission which was jointly issued by the Supreme Court of Texas and the Texas Court of Criminal Appeals on February 13, 2018, the following members are hereby appointed for a term effective immediately and expiring August 31, 2020:

Hon. Bill Boyce, Houston	Chief James McLaughlin, Jr. (ret.), Elgin
Hon. Brent Carr, Fort Worth	Mike Maples, Austin
Camille Cain, Austin	Dr. Octavio Martinez, Austin
Terry Crocker, Edinburg	Hon. Stacey Matthews, Round Rock
Jerry Davis, Austin	Beth Mitchell, Austin
Hon. Francisco Dominguez, El Paso	Tom Mitchell, Houston
Hon. Camile DuBose, Hondo	Hon. Roxanne Nelson, Marble Falls
Dr. Tony Fabelo, Austin	Hon. Robert Newsom, Sulphur Springs
Sonja Gaines, Austin	Hon. Harriet O'Neill (ret.), Austin
Hon. Ernie Glenn, San Antonio	Denise Oncken, Houston
Hon. Sid Harle, San Antonio	Dr. William B. Schnapp, Houston
Dr. Andrew Keller, Dallas	Dr. Brian Shannon, Lubbock
Adrienne Kennedy, Austin	Reginald Smith, Austin
Hon. M. Sue Kurita, El Paso	Hon. Polly Jackson Spencer (ret.), San Antonio
Beth Ann Lawson, Lubbock	Hon. Cynthia Wheless, Plano
Major Mike Lee, Houston	

The Honorable Jeff Brown, Justice, Supreme Court of Texas, and the Honorable Barbara Hervey, Judge, Texas Court of Criminal Appeals, shall serve as the initial Co-Chairs of the Commission. The Honorable Bill Boyce, Justice, Fourteenth Court of Appeals, shall serve as the initial Vice Chair.

The Governor is invited to designate a person to serve as an ex-officio member of the Commission. The Lieutenant Governor and the Speaker of the House are invited to designate a member from the Texas Senate and the Texas House of Representatives, respectively, to serve as ex-officio members of the Commission. Ex-officio members appointed by the Governor, Lieutenant Governor, and Speaker serve at the pleasure of the appointing officer.

SIGNED BY THE SUPREME COURT OF TEXAS this 10th day of April, 2018.



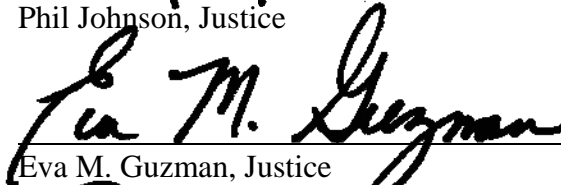
Nathan L. Hecht, Chief Justice



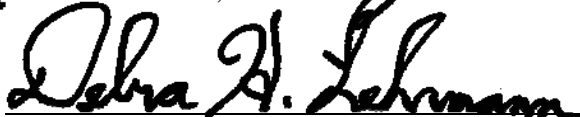
Paul W. Green, Justice



Phil Johnson, Justice



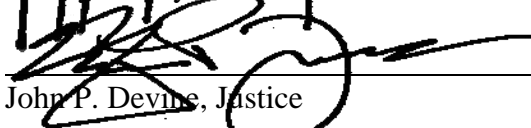
Eva M. Guzman, Justice



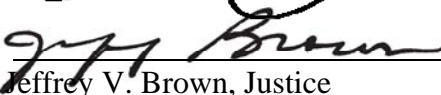
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice




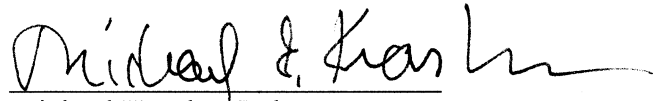
Jeffrey V. Brown, Justice

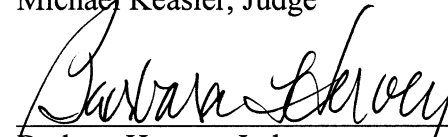


James D. Blacklock, Justice


SIGNED BY THE TEXAS COURT OF CRIMINAL APPEALS this 10th day of April, 2018.

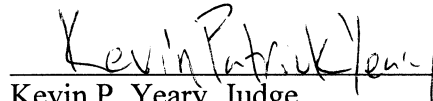
  
Sharon Keller, Presiding Judge


  
Michael Keasler, Judge

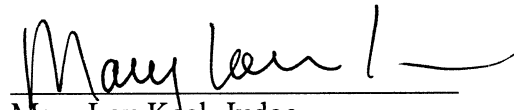
  
Barbara Hervey, Judge

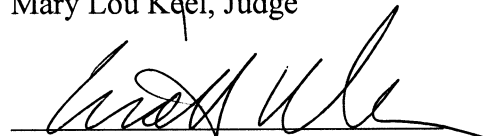
  
Elsa Alcalá, Judge

  
Bert Richardson, Judge

  
Kevin P. Yeary, Judge

  
David Newell, Judge

  
Mary Lou Keel, Judge

  
Scott Walker, Judge





Insert Tab 6



## Judicial Commission on Mental Health Financial Report

### FY 2019 BUDGET

FY2019 State General Revenue	\$ 1,000,000
<b>FY2019 Available Funds</b>	<b>\$ 1,000,000</b>

### FY 2019 PROPOSED OBLIGATIONS

	Budget	Expenses To-date	Outstanding Obligations
Indirect	\$ 451,885		\$ 451,885
Projects	\$ 219,000		\$ 219,000
Scholarships	\$ 12,500		\$ 12,500
	\$ 683,385	\$ -	\$ 683,385

### FY 2019 CURRENT FINANCIAL STATUS

State General Revenue Balance 8/7/18	\$ 446,174
FY 2018 Outstanding Obligations	\$ (182,243)
<b>Estimated Unexpended/CIP Use</b>	<b>\$ 263,931</b>



Insert Tab 7



## Informal Survey: Early-Intercept Process Mapping

The following is an informal survey about early-intercept procedures in your area. To make the survey more manageable, we have limited the scope of the questions to pre-booking procedures, jail and bail, and pre-adjudicatory diversionary procedures. We hope that these questions will facilitate and guide our Beyond the Bench discussion at the August 10 meeting. We also plan to use the survey (once revised) to solicit information from the attendees at the October Summit.

For each question, we encourage write-in responses that either elaborate upon an answer or that seek clarification about the question. If you are not comfortable answering a question or do not have the information necessary to respond, please leave it blank. Responses will not be shared or made public. You may self-identify or choose to remain anonymous.

For our juvenile justice partners, please identify that you are responding for juvenile justice, and assume that John Doe is a youth. Please write N/A when a question is not applicable and note any differences in the juvenile justice system from the criminal justice system.

We are requesting that you complete the survey by Monday, August 6. If we receive your responses by then, we will be able to use them at the Commission meeting. However, if you are unable to complete the survey by then, we welcome your responses anytime as we will use the information we collect to prepare for the Summit. Thank you for your time.

## Participant information

1. What is the population of the county in which you work?

Less than 10,000

10,000 to 30,000

30,000 to 100,000

100,000 to 250,000

250,000 to 1,000,000

Over 1,000,000



2. What is your role? (Check all that apply.)

- District Court Judge
- Probate Judge
- County Court-at-Law Judge
- Justices of the Peace
- Municipal Court Judge
- Magistrate
- District attorney
- Prosecutors
- Indigent defense attorneys
- County Law Enforcement
- Municipal Law Enforcement
- Correctional Facility
- LMHA
- LIDDA
- People with Lived Experience/Family
- Hospitals
- Pre-trial Services
- Housing
- Education
- Juvenile Justice
- Academia
- Advocacy Group
- Other Mental Health Service Provider
- Other (please specify)

## First responders: Alternatives to arrest?

**A peace officer responds to a call that a John Doe is sleeping on private property. When the officer wakes John, he is disoriented and talking to himself. Based on the criminal trespass, the officer could arrest John and transport him to jail. However, the officer suspects that John may have a mental illness or intellectual disability.**

3. What alternatives are available to the officer at this point in your area?(Check all that apply.)

- |   |  |
|---|--|
| <input type="checkbox"/> Warrantless emergency detention under Health and Safety Code chapter 573   | <input type="checkbox"/> Return person home                  |
| <input type="checkbox"/> Hospital (ER)  | <input type="checkbox"/> Contact person's friend or relative |
| <input type="checkbox"/> Hospital (psychiatric unit)  | <input type="checkbox"/> Other psychiatric facility          |
| <input type="checkbox"/> Crisis-intervention center   | <input type="checkbox"/> Other community-based option        |
| <input type="checkbox"/> Local mental health authority (LMHA, also know as MHMR) or local intellectual and developmental disability authority (LIDDA) | <input type="checkbox"/> Other (please explain below)        |

Comments:

4. How frequently are alternatives to arrest pursued?

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| <input type="radio"/> Almost always | <input type="radio"/> Almost never |
| <input type="radio"/> Frequently    | <input type="radio"/> Never        |
| <input type="radio"/> Sometimes     |                                    |

Comments:

5. What challenges does an officer face in pursuing alternatives? (Check all that apply.)

- |   |  |
|---|--|
| <input type="checkbox"/> No mental health facility available in area                        | <input type="checkbox"/> Officer is unaware of alternatives available                              |
| <input type="checkbox"/> Insufficient beds in local facility                                | <input type="checkbox"/> Officer has liability concerns  |
| <input type="checkbox"/> Warrantless emergency detention is legally cumbersome              | <input type="checkbox"/> Local policies that require initial admission to jail if criminal conduct |
| <input type="checkbox"/> The legal standard for warrantless emergency detention is too high | <input type="checkbox"/> Hospital unable or unwilling to accept person for safety reasons          |
| <input type="checkbox"/> Transportation challenges  | <input type="checkbox"/> Hospital unable or unwilling to accept person for legal reasons           |
| <input type="checkbox"/> Officer uncomfortable with making mental health decision           | <input type="checkbox"/> No stable housing   |
| <input type="checkbox"/> Officer must stay with person while awaiting treatment             | <input type="checkbox"/> Other   |

Comments:

6. Explain how your jurisdiction is using civil commitment procedures under Chapters 573 and 574 to facilitate early diversion, or if not, why not.

## CCP 16.22: Early identification and assessment

The officer arrests John and transports him to jail. The jailer who facilitates booking of John observes similar behaviors that leads the jailer to also suspect mental illness or intellectual disability.

7. How often do deputies or jailers send magistrates notice under 16.22?

- Most inmates booked
- Approximately half of inmates booked
- A small portion of inmates booked
- Unknown because no such data is collected
- Unknown to me

Comments:

8. How often are law enforcement, jailers, or members of the judiciary unclear about the forms, terminology, or their statutory obligations under CCP art. 16.22?

- Rarely
- Sometimes
- Routinely

Comments:

9. How often does the magistrate make the determination as to whether to order an assessment during magistration?

- Almost always. The magistrate usually receives the sheriff/jailers notice before magistration.
- Almost always. The magistrates always makes that determination during magistration— regardless of whether she has received notice—based on the person's history or her own observations of the person's behavior.
- Sometimes. When the magistrate receives notice varies.
- Rarely. Magistration usually happens before the magistrate receives notice.
- Rarely. The magistrate needs more time to collect additional information before making the decision.
- Never
- Other (please explain below)

Comments:

10. If the magistrate does not determine whether to order an assessment during magistration, how long does it take for a magistrate to make that determination once notice is received?

- Hours
- Days
- Weeks
- Months
- Rarely happens
- Widely varies

Comments:

11. How confident does the magistrate feel in determining whether to order an assessment?

- Very confident
- Somewhat confident
- Somewhat unconfident
- Very unconfident
- Very unconfident, but errs on the side of ordering an assessment
- Very unconfident, but errs on the side of not ordering an assessment

Comments:

12. How often does the magistrate order an assessment based on the number of notices she receives?

- Always
- Usually
- Approximately half of the time
- Rarely
- The magistrate orders more assessments than the number of notices she receives based on other information

Comments:

13. How often does the magistrate receive an assessment that she has ordered?

- Always
- Usually
- Approximately half of the time
- Rarely

Comments:

**The magistrate determines that there is reasonable cause to believe that John has mental illness or an intellectual disability and that a mental health assessment is necessary.**

14. How often is a 16.22 assessment on file from the preceding 12 months?

- Almost always  Almost never  
 Often  We do not keep those records  
 Occasionally

Comments:

15. Who does the magistrate order to conduct the assessment? (Check all that apply)

- LMHA or LIDDA  
 State or county hospital mental health personnel  
 Other "qualified mental health expert" (please explain who below)  
 Comments:

16. Where is the assessment conducted? (Check all that apply.)

- Jail  Private mental health facility  
 LMHA or LIDDA  In person's home  
 Other public mental health facility  Other (please explain below)

Comments:

17. How often is telemedicine used to conduct the assessment?

- Almost always  Almost never  
 Frequently  Never  
 Approximately half of the assessments

Comments:

18. What tools are commonly used in your jurisdiction to obtain an assessment of an unwilling defendant?

- |  |   |
|--|---|
| <input type="checkbox"/> Include assessment as a condition of bond   | <input type="checkbox"/> The LMHA or LIDDA personnel calls or visits the person in his home to discuss noncompliance      |
| <input type="checkbox"/> Revoke bond for noncompliance and order the assessment be conducted in jail                       | <input type="checkbox"/> Other mental health professional calls or visits the person in his home to discuss noncompliance |
| <input type="checkbox"/> Revoke bond for noncompliance and order the assessment be conducted at a location other than jail | <input type="checkbox"/> The judge calls or visits the person in his home to discuss noncompliance                        |
| <input type="checkbox"/> Order emergency detention under Chapter 573   | <input type="checkbox"/> The judge orders the person to appear in court to discuss noncompliance                          |
| <input type="checkbox"/> Law enforcement calls or visits the person in his home to discuss noncompliance                   | <input type="checkbox"/> Other (please explain below)   |

Comments:

19. How often is the assessment submitted on the required TCOOMMI form?

- |  |                                    |
|--|------------------------------------|
| <input type="radio"/> Almost always                  | <input type="radio"/> Almost never |
| <input type="radio"/> Frequently                     | <input type="radio"/> Never        |
| <input type="radio"/> Approximately half of the time |                                    |

Comments:

20. How often are medical records attached to the assessment form?

- |  |                                    |
|--|------------------------------------|
| <input type="radio"/> Almost always                  | <input type="radio"/> Almost never |
| <input type="radio"/> Frequently                     | <input type="radio"/> Never        |
| <input type="radio"/> Approximately half of the time |                                    |

Comments:

21. If you are a member of the judiciary, describe your relationship with your LMHA or LIDDA (some known as MHMR).

- Excellent. We know each other well and work together frequently.
- Fair. We work together occasionally, but I do not feel that they are able to meet all of our mental health needs.
- Poor. There is conflict regarding matters such as resource allocation and responsiveness.
- I'm not familiar with my LMHA or LIDDA.

Comments:

**The magistrate receives a completed assessment in which the expert found that John may have mental illness or an intellectual disability.**

22. How often does a positive assessment lead to greater provision of treatment and services for the person during the pendency of criminal proceedings?

- Almost always  Almost never  
 Frequently  Never  
 Sometimes

Comments:

23. How often does a positive assessment lead to incompetency proceedings?

- Almost always  Almost never  
 Frequently  Never  
 Sometimes

Comments:

24. How often does a positive assessment lead to civil commitment proceedings?

- Almost always  Almost never  
 Frequently  Never  
 Sometimes

Comments:

25. How often are multiple assessments ordered on a single defendant (for example, because of post-booking decompensation)?

- Almost always  Almost never  
 Frequently  Never  
 Sometimes

Comments:

26. Describe other events or consequences that may flow from a positive assessment.



27. Who reports to OCA the number of assessments received?

- The magistrate (or clerk)
- The trial court (or clerk)
- No one; OCA collects the information from our records
- The results are not reported

Comments:

## Bail

### The magistrate sends the results of John's assessment to the trial court.

28. What does the trial court do with the results?(Check all that apply.)

- Flag the case and assessment for future consideration
- Determine whether incompetency proceeding is required
- Initiate diversionary proceedings
- Consider for purposes of setting bail
- Nothing at that time
- Consider the results of assessment at punishment
- Other (please explain below)

Comments:

29. How does the assessment affect the bond decisions?(Check all that apply.)

- Likely results in a PR bond under CCP art. 17.032
- Likely results in a denial of bond
- Inpatient treatment ordered as bond condition
- Outpatient treatment ordered as bond condition
- Treatment not ordered because of constitutional limitations
- Varies
- Does not affect bond decisions
- Depends on person's housing situation
- Other (please explain below)

Comments:

30. Are pretrial services available in your county?

- Yes
- No

Comments:

31. How difficult is it to ensure that person adheres to treatment plan, including taking prescribed medication?

- Very easy
- Somewhat easy
- Somewhat difficult
- Very difficult

Comments:

32. If a person refuses to comply with ordered treatment, what tools does your jurisdiction commonly use to enforce compliance? (Check all that apply.)

- Revoke bond, arrest, and provide treatment at jail
- Revoke bond for noncompliance and order treatment to be provided at a location other than jail
- Order emergency detention under Chapter 573
- Law enforcement calls or visits the person in his home to discuss noncompliance
- The LMHA or LIDDA personnel calls or visits the person in his home to discuss noncompliance
- Other mental health professional calls or visits the person in his home to discuss noncompliance
- The judge calls or visits the person in his home to discuss noncompliance
- The judge orders the person to appear in court to discuss noncompliance
- Other (please explain below)

Comments:

## Pretrial diversion

33. How often does a positive assessment prompt diversionary proceedings?

- Almost always  Almost never  
 Frequently  Never  
 Sometimes

Comments:

34. What diversionary options are routinely pursued, if any? (Check all that apply.)

- Mental health specialty court or docket  Civil commitment proceedings (criminal charge dismissed)  
 Other pretrial diversion program  Civil commitment proceedings (criminal charges retained at least temporarily)  
 Deferred adjudication or disposition  Other (please explain below)

Comments:

35. Is it your understanding that civil commitment for mental health services is available under chapter 574 of the Health and Safety Code if the charges do not involve an act, attempt, or threat of serious bodily injury?

- Yes  
 No  
 Other

Comments:

36. Does your jurisdiction have a mental health related specialty court?

- Yes  
 No

Comments:

37. Does your jurisdiction maintain a formal or informal mental health specialty docket?

Yes

No

Comments:

38. Is there a collaborative jail-diversion team in your area? (If you answer no, the next question will be the final question of the survey.)

Yes

No

Comments:

39. If there is not a collaborative jail-diversion team in your area, are you familiar with these efforts?

Yes

No

Comments:

40. If there is a jail-diversion team in your area, is it a county, city, or regional initiative?

County

City

Regional

Comments:

41. If there is a jail-diversion team, who is involved? (Check all that apply.)

- |   |   |
|---|---|
| <input type="checkbox"/> District judge       | <input type="checkbox"/> Municipal police                     |
| <input type="checkbox"/> District attorney    | <input type="checkbox"/> Municipal jailer                     |
| <input type="checkbox"/> County judge         | <input type="checkbox"/> Defense attorney                     |
| <input type="checkbox"/> County attorney      | <input type="checkbox"/> LMHA                                 |
| <input type="checkbox"/> JP/magistrate        | <input type="checkbox"/> LIDDA                                |
| <input type="checkbox"/> Sheriff              | <input type="checkbox"/> Hospital administrator               |
| <input type="checkbox"/> Jailer               | <input type="checkbox"/> Other medical personnel              |
| <input type="checkbox"/> County commissioner  | <input type="checkbox"/> Advocacy group                       |
| <input type="checkbox"/> Municipal judge      | <input type="checkbox"/> Other mental health service provider |
| <input type="checkbox"/> Municipal prosecutor | <input type="checkbox"/> Other                                |

Comments:

42. If there is a jail-diversion team, how often does the team meet?

- |                                 |                                 |
|---------------------------------|---------------------------------|
| <input type="radio"/> Weekly    | <input type="radio"/> Yearly    |
| <input type="radio"/> Monthly   | <input type="radio"/> As needed |
| <input type="radio"/> Quarterly | <input type="radio"/> Other     |

Comments:

43. If there is a jail-diversion team, who leads the effort? (Check all that apply.)

- District judge
- District attorney
- County judge
- County attorney
- JP/magistrate
- Sheriff
- Jailer
- County commissioner
- Municipal judge
- Municipal prosecutor
- Municipal police
- Municipal jailer
- Defense attorney
- LMHA
- LIDDA
- Hospital administrator
- Other medical personnel
- Other
- None. Various members organize meetings and other team efforts.

Comments:





Insert Tab 8



# JUDICIAL SUMMIT ON MENTAL HEALTH

WESTIN MEMORIAL CITY, HOUSTON, TX  
OCTOBER 22-23, 2018



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

Invite you to attend the first annual statewide  
Judicial Summit on Mental Health  
October 22-23  
Houston, Texas

**[Register Today - CLICK HERE](#)**

Too often, individuals with mental illness, trauma, and intellectual and developmental disabilities are served by multiple court systems with little collaboration across systems. The new Judicial Commission on Mental Health is partnering with the Supreme Court Children's Commission to bring together leaders in the child welfare, juvenile justice, and criminal justice court systems to build collaboration and develop strategies to strengthen our courts and enhance our judicial system's ability to serve adults and children facing mental health and IDD challenges.

This event will include opportunities to connect with colleagues, establish new relationships, and engage in learning sessions designed to address mental health and related issues specific to youth-serving and adult-serving courts.

**[Click here to view the Summit Schedule at-a-Glance and event website.](#)**

Participants from the criminal justice system will receive tools to help navigate the complex mental health laws. Regional teams will receive assistance in creating local plans to improve case management and leverage resources.

Child welfare and juvenile justice system participants will discuss issues facing our children involved in child welfare, as well as youth involved in both the child welfare and juvenile justice systems. Participants will examine proposed statewide system reform strategies to promote trauma-responsive principles and practices throughout Texas.

**The invitation-only Summit will be free for participants and includes travel reimbursement, as applicable.**

