

Update on the Judicial Commission on Mental Health

Justice Bill Boyce
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The Challenges

- Mental health and related issues often are addressed by default as a law enforcement and court responsibility
- It is estimated 20 to 24 percent of the Texas inmate population has a mental health need
 - \$650 million in annual local justice system costs
 - FY 2011: TDCJ spent more than \$130 million on mental health and substance abuse services
 - 2010: 8 adults with severe and persistent mental illness in jail or prison for every adult in a state psychiatric hospital



Long Waits

- Texas has seen increases in length-of-stay and waiting lists at state hospitals
 - 2,463 beds in FY 2015; deteriorating facilities
 - Length of stay: from 58 days in 2012 to 74 days in 2015
 - Waiting list has more than quadrupled since 2013
 - As of January 2016, the waiting list stood at 424 individuals



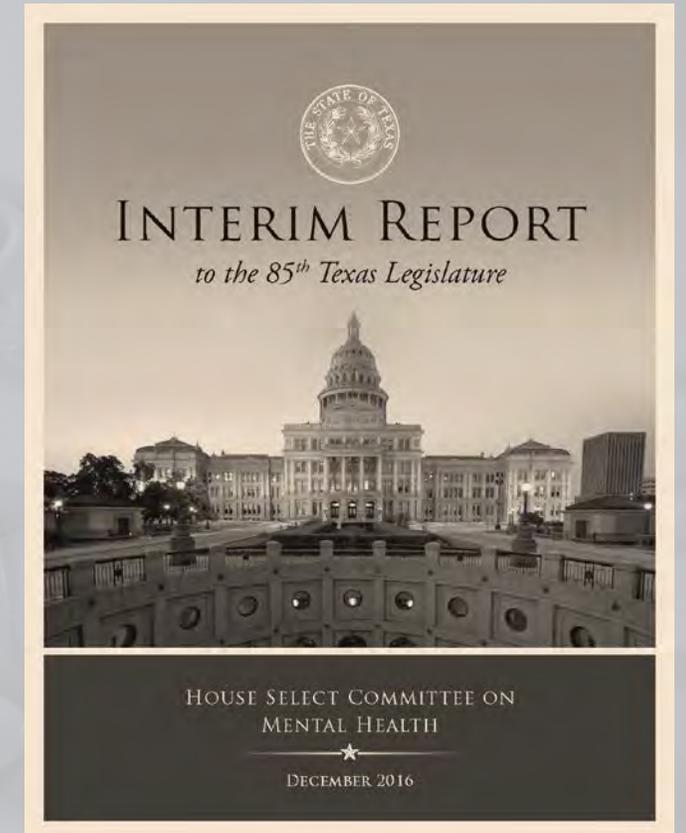
Other Key Challenges

- Providing appropriate treatment for specific populations: 36,000 persons with complex needs; first episode psychosis
- Providing appropriate local/outpatient treatment in community
- Addressing the shortage of mental health professionals and resources, especially in rural areas



Multi-Branch Concern

- House Select Committee on Mental Health, chaired by Rep. Four Price
 - Interim Report issued December 2016
- State of the Judiciary Address 2017: Chief Justice Hecht calls for attention to procedures for justice-involved individuals with mental illness
- Multiple mental health-related bills introduced during the 85th Legislature



The Texas Judicial Council Mental Health Committee

- Created in June 2016
- Charge
 - Examine administration of civil and criminal justice for those suffering from or affected by mental illness
 - Review approaches for diversion of individuals with mental illness from the criminal justice system
 - Make recommendations on
 - Improving administration of justice in cases involving mental health issues
 - Strategies for enhancing judicial leadership and education on mental health issues
 - Legislative changes
 - Creation of permanent judicial commission on mental health



Judicial Council Recommendations - 2016

- 3 legislative recommendations focused on improvements to existing statutes/programs
 - Improve screening protocols under CCP Art. 16.22; increase flexibility for bond availability for mentally ill, non-violent defendants under CCP Art. 17.032
 - Allow local communities to offer competency restoration and maintenance under CCP Art. 46B in safe and clinically appropriate local settings for misdemeanor defendants
 - Outpatient residential, community inpatient, jail-based
 - Provide funding for jail diversion programs tailored to local needs, resources, and conditions



The Legislature Acts

- Key bills passed and signed into law 2017, including the following
 - SB 1326 (Author: Sen. Zaffirini; Sponsor: Rep. Price, et al.)
 - Mental health screening under CCP Art. 16.22
 - PR bonds under CCP Art. 17.032
 - Competency restoration for misdemeanor defendants under CCP Art. 46B
 - SB 292 (Author: Sen. Huffman, et al.; Sponsor: Rep. Price, et al.): Matching grant program to reduce recidivism, arrests and incarceration among individuals with mental illness
 - HB 13 (Author: Rep. Price, et al.; Sponsor: Sen. Schwertner): Matching grant program through HHS Commission to support community mental health programs



The Next Step: Creating a Judicial Commission on Mental Health

- Recommended by the Texas Judicial Council's Mental Health Committee
- Survey of MH initiatives in 13 states
 - All led by state judiciary
 - Two created by legislation (Arizona and Maine); others by courts
 - Illinois has judiciary-only body; others draw from all three branches of government, community groups, experts, attorneys, law enforcement
 - Sizes range from 14 to 80 members; 36 members on average
- Look at successful judicially led initiatives in Texas – especially the Children's Commission



The Next Step: Creating a Judicial Commission on Mental Health

- Joint initiative of the Texas Court of Criminal Appeals and the Supreme Court of Texas
- Planning committee established in 2017 with support from the Children's Commission and Justice Eva Guzman; committee chaired by Justice Jeff Brown
- Mental Health Commission will be jointly chaired by a Justice from the Supreme Court and a Judge from the Court of Criminal Appeals



The Next Step: Creating a Judicial Commission on Mental Health

- Joint hearing on January 11, 2018



The Next Step: Creating a Judicial Commission on Mental Health

- Testimony from 20 witnesses



The Next Step: Creating a Judicial Commission on Mental Health

