Update on the Judicial Commission on Mental Health

Justice Bill Boyce
February 2018
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

    • Mental health screening under CCP Art. 16.22
    • PR bonds under CCP Art. 17.032
    • Competency restoration for misdemeanor defendants under CCP Art. 46B


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