

SUBJECT: Creating a mental health jail diversion pilot program in Harris County

COMMITTEE: Corrections — favorable, without amendment

VOTE: 5 ayes — Parker, White, Allen, Rose, J.D. Sheffield

0 nays

2 absent — Riddle, Toth

SENATE VOTE: On final passage, April 2 — 31-0

WITNESSES: No public hearing

DIGEST: SB 1185 would create a mental health jail diversion pilot program. The Texas Department of State Health Services (DSHS), in cooperation with the Harris County judge, would create a program, operated by the judge, to reduce recidivism among persons with mental illness.

The Harris County judge would design and test a criminal justice mental health service model through the pilot program that would include the following elements:

- low caseload management;
- multilevel residential services; and
- easy access to integrated health, mental health, chemical dependency services, benefits acquisition services, and multiple rehabilitation services.

The program would follow the principle of critical time intervention to provide persons with mental illness access to available social, clinical, housing, and welfare services during the first weeks after the person's release from jail.

In designing the program, the Harris County judge would seek input from a group of stakeholders, including the:

- Harris County Sheriff's Office;

- the mental health division of the office of the district attorney of Harris County;
- the Harris County public defender;
- mental health courts;
- specially trained law enforcement crisis intervention teams; and
- providers of competency restoration services, guardianship services, forensic case management, assertive community treatment, crisis stabilization services, intensive and general supportive housing, and integrated mental health and substance abuse services.

The program would have the resources to provide mental health jail diversion services to at least 200 people. It would attempt to serve at least 500 and not more than 600 people a year.

The Harris County judge and DSHS would establish clear criteria for identifying a target population for the program. The criteria would prioritize those with the highest risk of recidivism and the most severe cases of mental illness. The judge, in consultation with the stakeholders' group, would be allowed to adjust the criteria during the operation of the program.

The program's creation would be contingent on the continuing agreement of the Harris County Commissioners Court to match funds provided by the state to the program. State funds would be given in addition to, and would not reduce the amount of, appropriations made in the regular funding of the Mental Health and Mental Retardation Authority of Harris County or the Harris County Psychiatric Center. Harris County would be allowed to seek and receive gifts and grants to fund the program.

DSHS would evaluate the pilot program and submit a report, by December 1, 2016, on the program's effect on recidivism levels among the mentally ill to the governor, the lieutenant governor, the speaker, and certain members of the Legislature. DSHS would be allowed to inspect the operations of the pilot program.

The pilot program would expire on September 1, 2017.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

SB 1185 would create a four-year pilot program in Harris County to develop effective ways to substantially reduce recidivism of people with serious mental illness in the Harris County Jail.

The Harris County Jail is the largest single mental health facility in Texas. At any given time, more than 2,100 people in the facility are receiving prescribed psychotropic medication, which is more than one-quarter of the jail's total population. From 2011 to 2012, 537 people with mental illness were released five or more times from the jail, some of whom were released more than 30 times. Harris County spends more than \$32 million annually on persons with mental illness who cycle through the jail. Studies show that the criminal justice system is the most expensive and one of the least effective ways to provide mental health services, but that is what is happening in Harris County and, increasingly, in the state's other urban counties.

Comprehensive mental health and social services would halt the cycle of arrest, release, and re-arrest that fails to provide treatment of root causes of recidivism and costs taxpayers a fortune. Investments made in reducing recidivism should eventually pay for themselves. Programs the pilot would use, such as mental health courts, benefits coordinators, and case workers that track mentally ill defendants through treatment, have been shown to work in other localities and states and should work equally well in Harris County. SB 1185's pilot program would provide relief to the taxpayers and the mentally ill of Harris County and would provide valuable data that could form the basis of even more successful future programs in the county and throughout Texas.

**OPPONENTS
SAY:**

SB 1185 would commit the state to a \$10 million appropriation each year for the next four years on a program that has not been proven to work in Texas on the scale proposed.

NOTES:

According to the fiscal note, the state would appropriate about \$5 million in general revenue funds each fiscal year to pay for the pilot program. The amount would be matched by the Harris County Commissioners Court.