

Bexar County Smart Justice

Redesigning a Local Justice System to Divert People with Mental Illnesses to Community Treatment

A key goal of the Smart Justice initiative of the Meadows Mental Health Policy Institute (MMHPI) is to reduce the number of people with mental illnesses in county jails in Texas by identifying and diverting as many as safely possible to community treatment. MMHPI has partnered in Texas with the Council of State Governments Justice Center (CSGJC) to work on transforming local justice systems to achieve this goal. MMHPI provides high-quality, nonpartisan, and objective policy research and development to improve mental health services in Texas (texasstateofmind.org). The CSGJC is a nonpartisan national organization that assists state and local officials in improving justice policies (csgjusticecenter.org/about-ic/).

Approximately 17 percent of adults entering jails and state prisons have a serious mental health illness. The jail cost for individuals with mental illnesses in Texas is estimated at over \$450 million annually.¹ Individuals with untreated mental health and substance use disorders are 8 times more likely to be incarcerated, often due to lack of access to appropriate crisis services and ongoing care (see figure 1).

The **Meadows Mental Health Policy Institute** Smart Justice Initiative is directed at reducing the number of people with mental illnesses in Texas county jails by safely diverting people to community treatment.

The Institute has partnered with the **Council of State Governments Justice Center** and **Bexar County** officials to work on transforming their local justice system to reduce the number of people who have mental illnesses in jail and increase the effectiveness of community treatment for justice-involved individuals.

Bexar County leaders have adopted key recommendations developed by local officials working with MMHPI and CSGJC and are in the process of designing and implementing these strategies.

Local justice systems are overseen by an array of independent elected officials: county commissioners, district and county judges, sheriffs, district attorneys, county clerks, mayors, and city councils. Local mental health authorities, hospital districts, and private mental health and substance abuse providers using public and private funds manage the local community behavioral health system. With such a large number of varied interests and oversight structures involved, changing the path of mentally ill persons from the police or jail to community treatment is a complex undertaking.

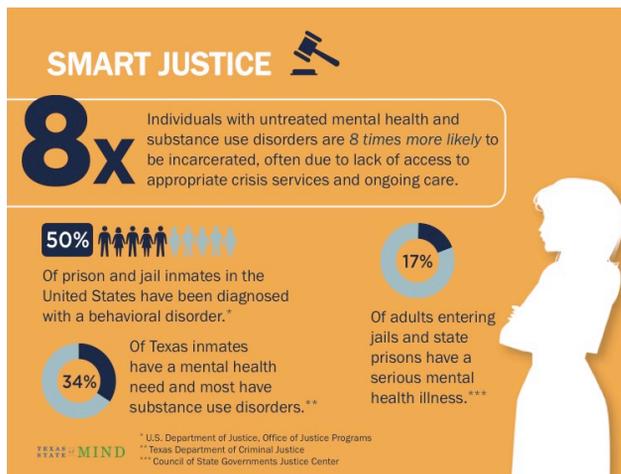


Figure 1. Smart Justice Mental Health Landscape, MMHPI

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MMHPI and CSG Justice Center have partnered with Bexar County officials to work on transforming their local justice system to reduce the number of people with mental illnesses in the jail and increase the effectiveness of community treatment for these individuals. In 2014 the work team completed an in-depth review of the county's pretrial processes and examined mental health diversion practices. The research team also conducted data analyses on the flow of populations booked into the Bexar County justice system and related recidivism rates. This phase of the project was financed by Bexar County, the U.S. Department of Justice's Bureau of Justice Assistance, and the Jacob Valeria Langeloth Foundation.

The Results of the Analysis Showed:

- **Major bottlenecks in the booking after arrest processes in the county.** Bottlenecks are partly driven by an obsolete booking facility (referred to as the Central Magistration Facility or CMAG) that negatively affects staffs' ability to effectively conduct mental health screening and assessments;
- **Low number of diversions to treatment.** Of the 7,216 people with mental illnesses who were eligible for diversion and booked after arrest into the system between April 2014 and February 2015, only 2,170 received a mental health assessment and only 125 were diverted to community treatment.
- **Inability to meet the spirit of Texas law.** Deficient screening, assessment, and diversion protocols for people with mental illnesses do not meet the magistration (preliminary hearing to decide to release a person on pretrial supervision or bond) and diversion requirements under Texas Code of Criminal Procedures, Article 16.22 and 17.032;
- **Limited pretrial supervision strategies.** People with mental illnesses who are on pretrial supervision are not properly identified for special conditions of supervision or for effective connections to treatment;
- **Shortage or inadequate use of limited behavioral health treatment services and poorly developed protocols to divert persons to treatment from the CMAG facility and jail.** In 2013, the University Health System, the county hospital providing treatment services in the Bexar County jail, only diverted 51 out of more than 2,500 people with mental illnesses in the county jail population to community treatment; and,
- **High recidivism rates for people with mental illnesses.** Over 50 percent of the jail population classified as having a mental illness has been arrested six or more times previously.

The Bexar County Commissioners Court approved the implementation of recommendations to improve these processes in January 2014. Phase II of the project started in August 2014 with MMHPI and CSGJC providing technical assistance to county officials to assist in the implementation of recommendations.

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Milestones Achieved

Local officials created an Executive Committee, chaired by County Judge Wolff and co-chaired by Sheriff Pamerleau, to guide the initiative. Various inter-agency groups were created to design implementation plans. Phase II has been funded by the county and by MMHPI. Important milestones that have been achieved include:

- The county has allocated \$2.9 million for needed renovations to the CMAG facility in its 2015 budget, and architecture plans are underway with the goal of maximizing space to facilitate expanded mental health screening and assessment.
- The county created a Public Defender Office and, with state funding assistance from the State Indigent Defense Commission, and local funding, defense lawyers with a mental health specialization will be representing persons with mental illness at the magistration process to advocate for pretrial release from the jail to community treatment.
- A local agreement has been established to create new processes to allow city and county law enforcement officials to increase the number of people with mental illnesses who are diverted to treatment before booking into the justice system.
- In partnership with Methodist Healthcare Ministries of South Texas (MHM), in Fall 2015, MMHPI will begin a comprehensive performance assessment of Bexar County mental health systems that should identify opportunities to improve mental health services, including how to better engage in treatment services with people who have mental illnesses who are involved with the criminal justice system.

Bexar County leaders are making a public commitment to address the issues raised by CSGJC and MMHPI. County and city officials created a new Criminal Justice Coordinating Council, co-chaired by the Mayor of San Antonio and the County Judge. Members include the County Sheriff, the San Antonio Police Chief, and the city and county managers. This council met for the first time on April 28, 2015. The Mayor and County Judge directed the focus of the conversation to addressing the “long-running issues regarding early screening of arrestees for possible referral to diversion programs and substance abuse treatment.”

Subsequently, a supportive editorial by the San-Antonio Express News was published stating:

“We applaud the effort by city and council officials to tackle shared problems in the criminal justice system by creating the Bexar County/San Antonio Criminal Justice Coordinating Council. The move was long overdue.”

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Next Steps

The District Attorney and the Public Defender Office in late April 2015 also signed a memorandum-of-understanding in which they formalized discussions “regarding a mechanism to facilitate the use of existing resources for the treatment and supervision of arrestees processed through the Central Magistration System (CMAG).” They agreed that Bexar County “must comply with Texas Code of Criminal Procedure Art. 17.032 if a qualifying arrestee is believed to suffer from mental illness.”⁴

Finally, the judges overseeing the magistration system, in an application for state indigent defense grant funds, agreed to increase the number of people with mental illnesses diverted from booking to treatment from 6 percent of arrestees to 30 percent, (an increase of over 1,500 additional diversions from the justice system to treatment).⁵ The funds requested would be directed at establishing a mental health public defender program that, working with the magistrates and district attorney, will support defense services aimed at advocating for people with mental illnesses who qualify for diversion to treatment. The Public Defender Mental Health Unit should be operational starting in September 2015.

More challenging work is ahead. The judicial branch now needs proof that the new processes to be put in place can be effective in identifying the best population in need of treatment, and that the treatment is effective in reducing recidivism. The CSGJC and the MMHPI will continue to partner with local officials to assist in achieving these goals.

Challenging work lies ahead to complete implementation of the Bexar County Smart Justice project, MMHPI and the CSGJC seek philanthropic support for the following:

- Fund a process review design for a central behavioral assessment center to better identify treatment needs of persons entering the justice system.
- Use the MHM assessment to develop strategies to better leverage community treatment capacity for managing and increasing diversion and overall treatment referrals from the justice system.
- Continue funding the MMHPI and CSGJC technical assistance needed by local officials to sustain the system transformation efforts over the next three years.

¹ MMHPI and the Texas Conference of Urban Counties, *Texas Mental Health Landscape*, <http://www.texasstateofmind.org>

² <http://www.expressnews.com/news/local/article/City-county-to-collaborate-on-criminal-justice-6229750.php>

³ <http://www.expressnews.com/opinion/editorials/article/Joint-city-county-justice-effort-welcome-6258907.php>

⁴ April 30, 2015, *Memorandum-of-Understanding signed by Nicholas “Nico” LaHood with the Public Defender of Bexar County, Michael Young.*

⁵ *Bexar County application for grant funds to the Texas Indigent Defense Commission, May 2015.*