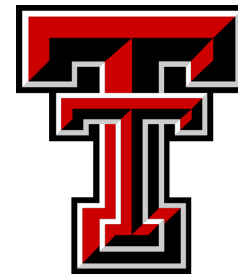


# Pathways to AOT from the Texas Criminal Justice System

November 2, 2022



TEXAS TECH UNIVERSITY

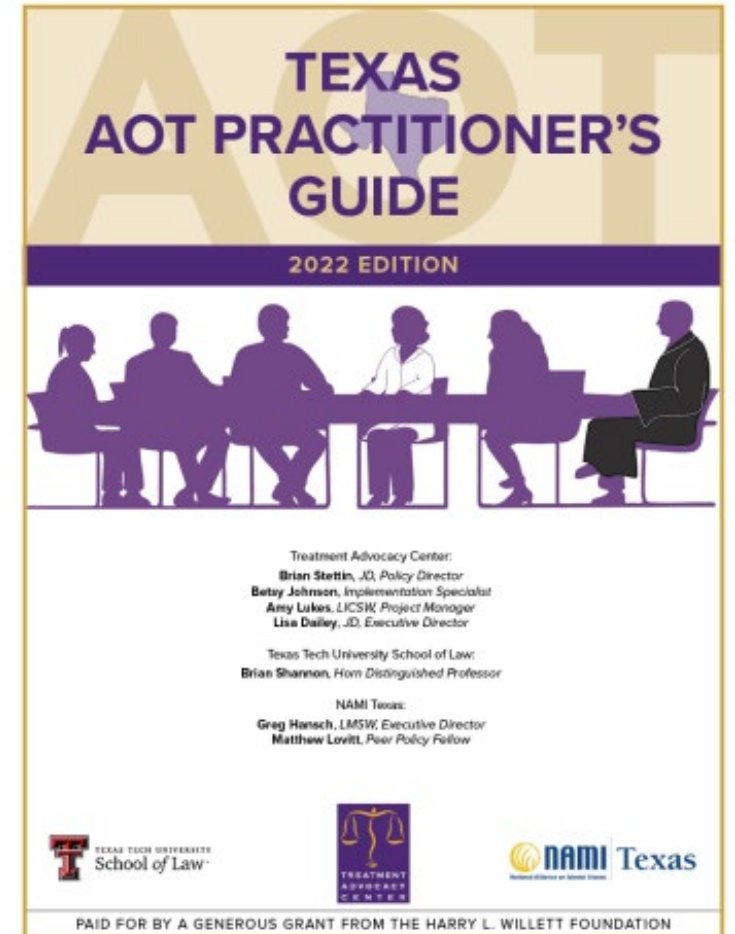
School of Law™

Prof. Brian Shannon

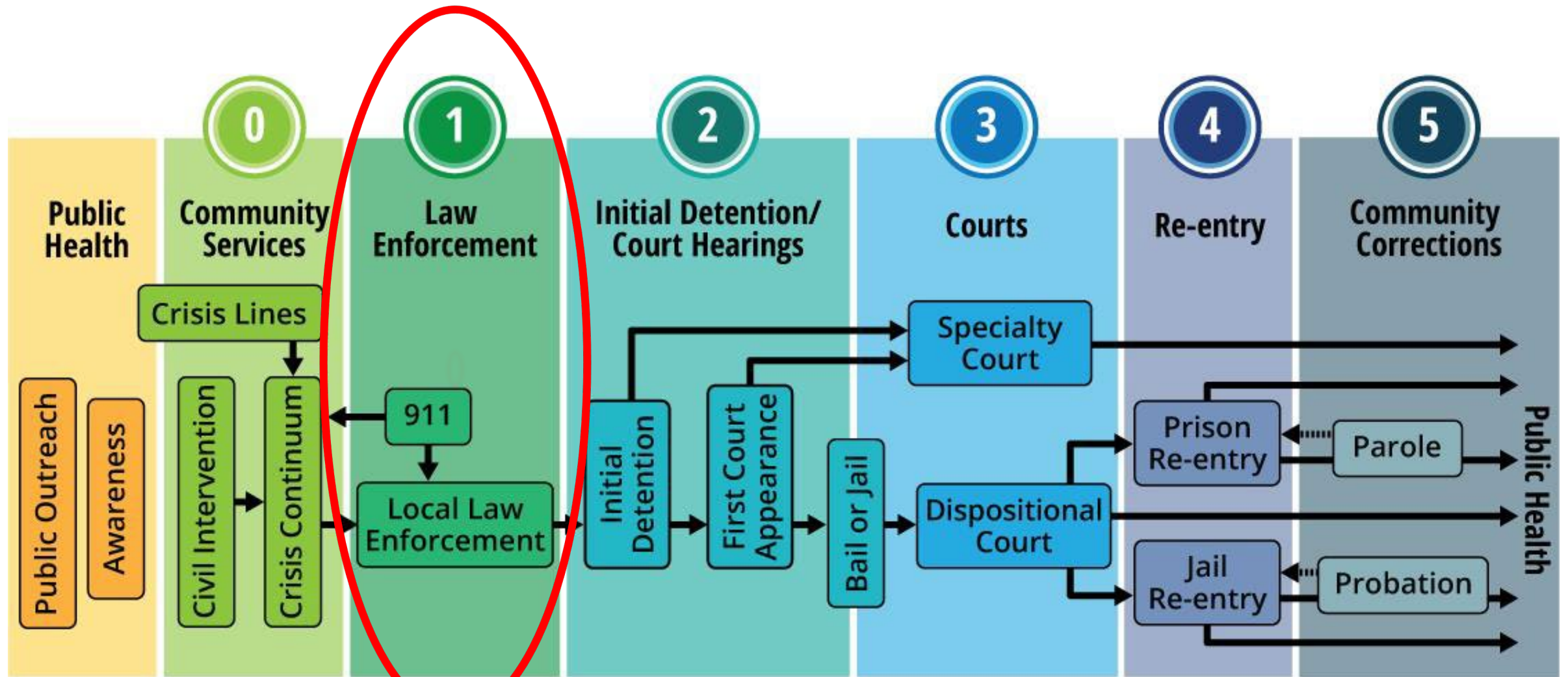
# Overview

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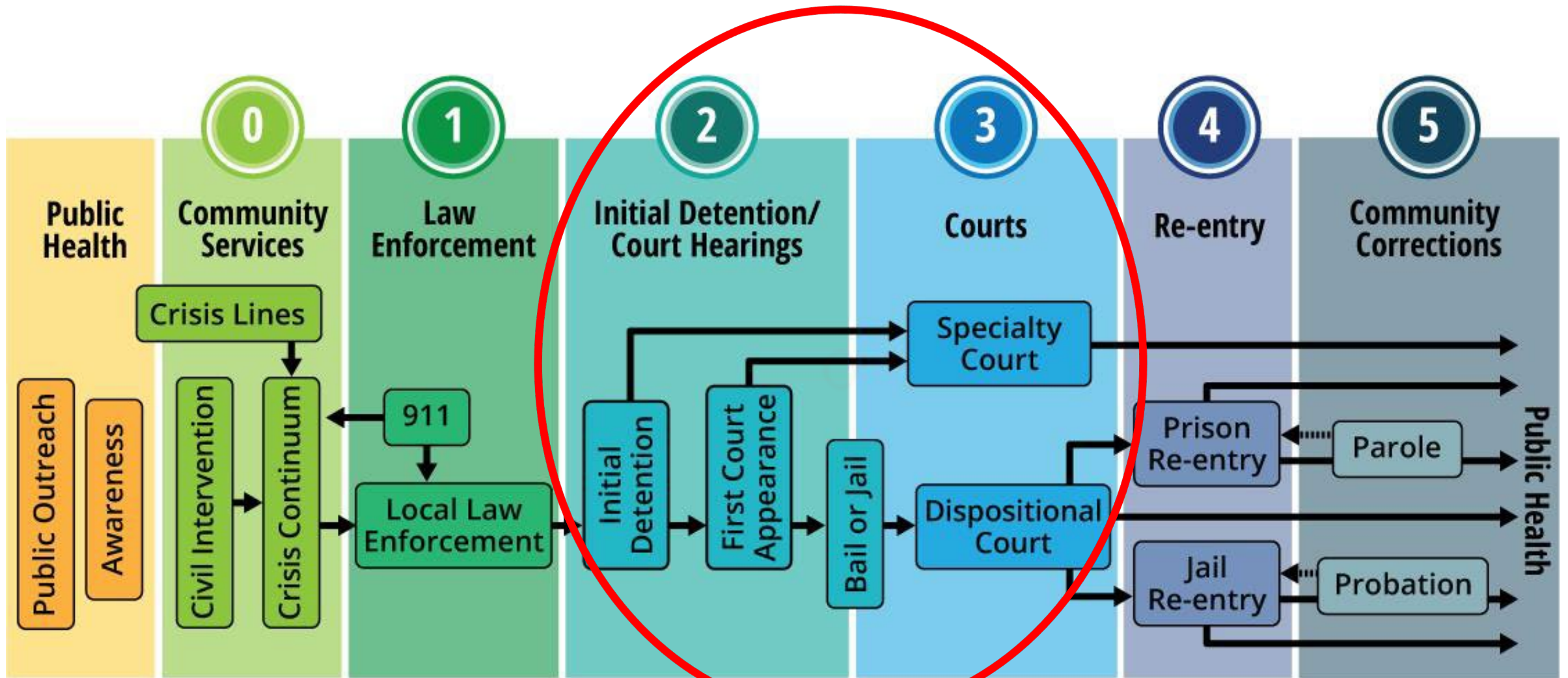
- *Pre-Arrest Diversion*
- *Post-Arrest Diversion*
  - *Pre-Booking*
  - *Post-Booking*



# Intercept 1: Law Enforcement



# Intercepts 2 & 3: Courts



# Post-Booking Diversion to AOT

- **Art. 16.22 MH Screening**
- **Referrals under Art. 16.22(c)(5) for AOT**
  - **Charges Remain Pending**
- **Dismissal of Charges & Diversion to AOT**

# 16.22 and AOT

- Referrals under Art. 16.22(c)(5) for AOT
  - Charges Remain Pending
    - Does the offense “involve an act, attempt, or threat of serious bodily injury to another person”?
  - Two courts?
  - One court – but two dockets?

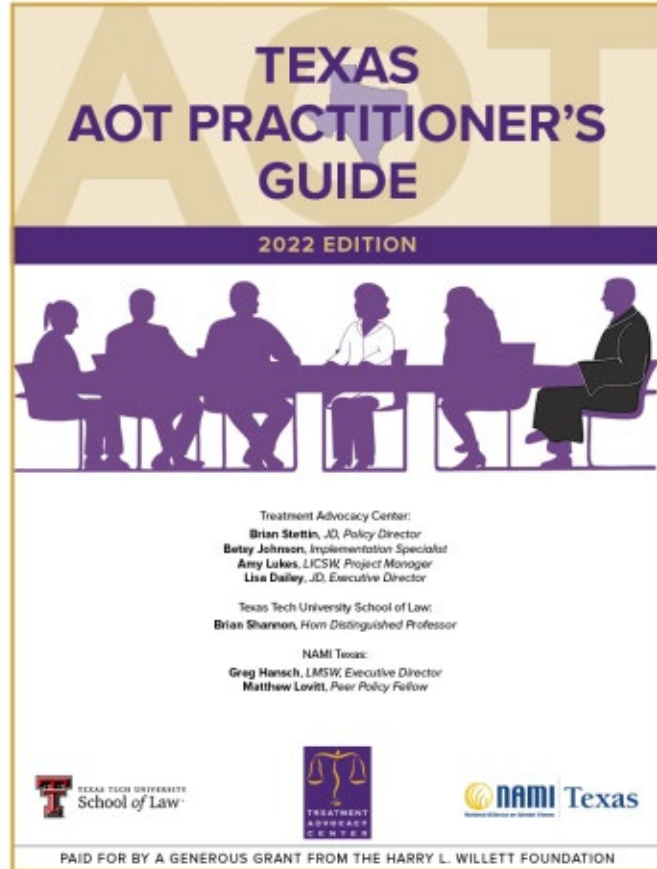
# Dismissal & Diversion to AOT

- **Dismissal of Charges & Diversion to AOT**
  - Two courts?
  - One court – two dockets?
  - JCMH Legislative Proposal re certain misdemeanors

# Other options

- **Possible Diversion to AOT for a Defendant Who is Subject to an Order for Competency Restoration Services but Who Remains in Jail Awaiting a Placement?**
- **Possible Diversion to AOT if Defendant is “Un-restorable”?**
- **Possible Dismissal of Charges and Diversion to AOT for a Defendant Who is Receiving OCR or JBRCR Services?**





# Parting Thoughts

- AOT has great potential!
- But, we need to expand its availability.

<https://www.treatmentadvocacycenter.org/aot>