



2020 Judicial Summit on Mental Health Executive Summary

The Judicial Commission on Mental Health (JCMH) hosted the third annual Judicial Summit on Mental Health on November 9 – 10, 2020 on a virtual platform.

This year's Summit drew over 1500 judges and stakeholders from across Texas and the U.S. to discuss and develop solutions to the many challenges faced by individuals in the court system with mental health or intellectual and developmental disabilities (IDD). Attendees included judges from all levels of the judiciary, academics, law enforcement, advocacy groups, prosecutors, defense attorneys, mental health and IDD service providers, representatives from various state agencies, policymakers, persons with lived experience, and many others.

Each Summit attendee was provided access to over sixty resources, including the JCMH Texas Mental Health IDD Law Bench Book; the newly released JCMH Texas Juvenile Mental Health and IDD Law Bench Book; *Criminal Procedure and the Offender with Mental Illness* by Whitfield Horn Professors, the late Daniel H. Benson and Summit presenter Prof. Brian Shannon, published by NAMI Texas; supporting slides and one pagers created by the presenters; and reports, websites, and videos referenced by the speakers during their presentations. These resources are available on the JCMH website, TexasJCMH.gov. All sessions from the Summit were recorded and are available on the JCMH website.

First Day Morning Sessions

The first day of the Summit began with addresses from the two highest Texas Courts. Attendees were welcomed by Supreme Court of Texas Chief Justice Nathan Hecht, Texas Court of Criminal Appeals Presiding Judge Sharon Keller, as well as the JCMH Chairs, Supreme Court Justice Jane Bland and Court of Criminal Appeals Judge Barbara Hervey

The morning sessions then turned to the issue of juvenile law as it pertains to mental illness and intellectual and developmental disabilities. Judge Cynthia Wheless hosted the morning of panels, facilitated discussions on new psychiatric resources for Texas children and youth with Dr. Andy Keller, discussed the intricacies of Texas Family Code Chapter 55 Subchapter B with attorney Bill Cox, and highlighted some innovative juvenile mental health courts and diversionary practices being implemented across the state. Keynote speaker Dr. Laurence Steinberg, a psychologist and professor whose research has been cited in every major juvenile U.S. Supreme Court case, concluded the morning with an engaging presentation on adolescents and brain development.

First Day Afternoon Sessions

Upon returning from lunch, the Summit offered a focus on Intellectual and Developmental Disabilities (IDD) as attendees walked through the many opportunities throughout the Sequential Intercept Model to divert individuals with IDD away from the justice system. Moderated by Haley Turner, the distinguished panel of experts examined situations that an individual with IDD might face, including accessing and using services, contacts with police, utilizing possible diversions, interactions with the judicial system, and facing competency restoration services.

Documentary Screening

In the late afternoon, attendees watched a screening of the film, *The Definition of Insanity*, a documentary on the Miami-Dade County Criminal Mental Health Project and Judge Steven Leifman. The film was introduced by Dr. Norman Ornstein and Judith Harris Ornstein, who produced the film. After tragically losing their son to mental illness, the Ornsteins created a foundation for mental health research and advocacy. Judge Leifman's court was a beacon of hope for them to help other counties create the best diversionary courts. After the film, Judge Leifman answered questions from the audience.

Second Day Morning Sessions

Throughout the second day, the audience heard from lived experience experts. These individuals provided insight and information for the audience and a unique perspective on the work that our stakeholders do daily. First, attendees heard from Kevin Garrett, who was previously incarcerated, and who has gone on to attend law school, sit for and pass the 2020 Texas bar exam. The audience also heard from Claudia Chihadi, a non-binary autistic individual, who discussed growing up with autism, searching for a diagnosis, and the difficulties of being neurodivergent in a society built for neurotypical people. They discussed ideas for how to facilitate an environment and culture beneficial for both neurodivergent and neurotypical individuals. In the late morning, Adrienne Kennedy told her heart wrenching personal story as a mother to a son with mental health issues, his involvement in the system, and how it motivated her to become a mental health advocate. Lastly, the audience heard from Mary Wright, a graduate from Judge Carr's mental health specialty court. She discussed how she ended up in his specialty court, and how her life has transformed due to her involvement in the court.

Dr. Rita Cameron-Wedding gave the keynote presentation on the morning of day two of the Summit. She compellingly discussed the systemic impact of implicit bias and the social determinants of mental health and incorporated videos and book suggestions in her presentation.

Professor Brian Shannon and Judge Ryan Turner dove into Texas Mental Health law with practical tips regarding the requirements and options under Texas Code of Criminal Procedure § 16.22, opportunities for diversion, emerging alternatives for competency restoration, and opportunities for coordination between the courts and local mental health authorities.

Before lunch, the audience heard from a panel of experts on data collection, moderated by Dr. Octavio Martinez. Dr. Virginia Brown started out the presentation discussing the importance of data collection for communities of color, and Judge Tamara Needles advised on the legal

requirements for collection and reporting of mental health data for counties in Texas. The other panelists, Danny Smith, Jerry Freshour, and Dr. Connie Almeida discussed how their counties procedurally collect the data, setbacks and difficulties of getting started, how things have changed due to Covid-19, and how other counties can start or continue to successfully collect data to report to the Office of Court Administration.

Second Day Afternoon Sessions

Judge John Specia moderated the afternoon of the second day of the summit. He facilitated the discussion of four Texas Judges who have either started a mental health court or started proactive mental health diversionary practices in their courts. Panelists each discussed their individual courts, and how they created their courts. Panelists also provided documents and blueprints to our audience on how to start a mental health court.

Judge Stacey Matthews discussed the SB 362 Task Force, which convened with the JCMH to create legislative proposals as well as write what is commonly referred to as the Services Report. Judge Matthews summarized the Services Report and highlighted services that are available for Judges to utilize for their litigants in Texas, what services are successful and should be increased, and where service deficits remain.

The last presentation of the 2020 Summit was provided by David Slayton, who gave an overview of how the judicial landscape has shifted since the Covid-19 pandemic, and how jury trials might proceed as the pandemic continues.

Bill Boyce provided closing remarks that reflected on the themes of the past two days and adjourned the Summit.

Top Ten Learning Objectives for the 2020 Summit

1. **Consider creating a Mental Health Court or Docket.** These courts and dockets are specialized, treatment-oriented, problem-solving courts that divert mentally ill offenders away from the criminal justice system and into court-mandated, community-based treatment programs.¹ In Texas, there is a need for more mental health courts for adults and juveniles. If your community would like to create a new court, there are resources, blueprints, and mentors available.
2. **Communication Between the Disciplines is Essential.** Best practices, such as developing multidisciplinary collaborative team meetings, can impact lives and provide access to care and resources for individuals with Mental Illness (MI) or Intellectual and Developmental Disabilities (IDD) within the local judicial system. Breaking down the silos between organizations and professions creates a more efficient and successful system.
3. **Texas Juvenile Mental Health Care Access has been Expanded.** Increased access to mental health care for children and youth prevents further entanglement with the justice system as adults. It is estimated that up to 70% of youth who enter the juvenile justice system meet the criteria for a mental health disorder.² The Texas Child Mental Health Care Consortium has created a hotline for pediatricians to call for consultation on their juvenile mental health clients and has partnered with public school districts to deliver treatment to children via telemedicine.
4. **Individuals with IDD are prevalent in the criminal justice system.** These individuals have distinct challenges, which require separate time and attention, but are often overlooked or grouped with people with mental health challenges.
5. **IDD Resources Require Further Development in Texas.** IDD resources are not as well developed as Mental Health (MH) resources. Unlike Local Mental Health Authority (LMHA) information, Local IDD Authority (LIDDA) information was only incorporated into the TLETS Continuity of Care Query (CCQ) in the jails in August 2020. The relationships between LIDDAs and courts are just beginning, and the two systems must work together to forge more concrete relationships, which may be separate and apart from the Courts' relationships with the LMHAs.
6. **The competency restoration system is not mental health treatment.** When possible, and especially for low-level offenses, consider diversion or dismissal rather than initiating lengthy competency proceedings, as misdemeanor competency restoration backlogs the system and further extends the waitlist length.
7. **Recognize Implicit Bias.** Understanding and acknowledging individual implicit biases helps professionals bring possible injustice to the forefront of their mind, thereby

¹ *Mental Health Courts*, NAMI TEXAS, <https://namitexas.org/mental-health-courts/> (last visited Dec. 21, 2020).

² Lee A. Underwood & Aryssa Washington, *Mental Illness and Juvenile Offenders*, INT'L J. OF ENVTL. RES. AND PUB. HEALTH 13, NO. 2, 228 at 3 (2016).

recognizing it when it inevitably but inadvertently occurs. When individuals recognize their own biases, they can proactively create a culture of fairness and equity.

8. **Include Lived Experience Perspectives.** The voices of those with lived experience are invaluable in developing procedures that will increase positive outcomes and create a culture of de-escalation throughout the Sequential Intercept Model. Remember, “nothing about us without us.”
9. **Data is Our (Required) Friend.** The collection and analysis of data helps us measure how efficiently our laws are working, which groups may be disproportionately affected by the laws and services (or lack thereof). All counties are statutorily required to provide the Office of Court Administration with data regarding CCP § 16.22; however, most counties are not doing so. Collecting this data and reporting to OCA is necessary and data collection can be started by putting pen to paper and then building the system to a more sophisticated one as the data collection grows. A thousand-mile journey begins with a single step.
10. **Commit, communicate, collaborate. Take action.** Nearly every speaker focused on the message that change begins with you—just start somewhere. Most sought help from those who had forged the path before them, but even with all the possible planning, they knew there would inevitably be challenges and decisions to be made in the middle of the process. Taking the first step of beginning the process was by far the greatest step.