

**JUDICIAL COMMISSION ON MENTAL HEALTH
MINUTES OF MEETING
August 7, 2020
9:00 a.m. – 12:00 PM
VIRTUAL MEETING**

Commissioners	Attended	Did Not Attend
Hon. Jane Bland, <i>Co-Chair, Supreme Court of Texas</i>	✓	
Hon. Barbara Hervey, <i>Co-Chair, Texas Court of Criminal Appeals</i>	✓	
Hon. Bill Boyce, <i>Vice-Chair, Justice, Fourteenth Court of Appeals</i>	✓	
Hon. John Specia, <i>Judge, 225th District Court (Ret.), Jurist-in-Residence</i>	✓	
David Slayton, <i>Administrative Director, OCA, ED, The Texas Judicial Council</i>	✓	
Hon. Brent Carr, <i>Judge, Tarrant County, County Criminal Court No. 9</i>	✓	
Terry Crocker, <i>Chief Executive Officer, Tropical Texas Behavioral Health</i>	✓	
Gerald Davis, <i>President and CEO, Goodwill Industries of Central Texas</i>	✓	
Hon. Francisco Dominguez, <i>Judge, El Paso County, 205th Judicial District Court</i>	✓	
Hon. Camile DuBose, <i>Judge, Medina County, 38th Judicial District</i>	✓	
Dr. Tony Fabelo, <i>Senior Fellow for Justice Policy, Meadows Mental Health Policy</i>	✓	
Sonja Gaines, <i>Deputy Executive Commissioner for Intellectual and Developmental</i>	✓	
Hon. Ernie Glenn, <i>Drug Court Magistrate, Bexar County</i>	✓	
Hon. Sid Harle, <i>District Court Judge, Bexar County, 226th Criminal District Court</i>	✓	
Courtney Hjaltman, <i>Policy Advisor, Office of the Governor</i>		✓
Hon. Joan Huffman, <i>Senator, District 17, Texas Senate</i>		✓
Dr. Andrew Keller, <i>President and CEO, Meadows Mental Health Policy Institute</i> <i>(John Petrila in his stead)</i>	✓	
Adrienne Kennedy, <i>President, National Alliance on Mental Illness</i>	✓	
Hon. M. Sue Kurita, <i>Judge, El Paso County Court at Law No. 6</i>	✓	
Beth Lawson, <i>Chief Executive Officer, StarCare Specialty Health System</i>	✓	
Major Mike Lee, <i>Mental Health & Jail Diversion Bureau, Harris County Sheriff's Office</i>	✓	
Mike Maples, <i>Deputy Executive Commissioner for Health and Specialty Care System</i>	✓	
Dr. Octavio Martinez, <i>Executive Director, Hogg Foundation for Mental Health</i>	✓	
Hon. Stacey Mathews, <i>Judge, Williamson County, 277th District Court</i>	✓	
Chief James McLaughlin, <i>Executive Director, Texas Police Chiefs Association</i>	✓	
Beth Mitchell, <i>Supervising Attorney, Disability Rights Texas</i>	✓	
Tom Mitchell, <i>Director of Jail Diversion Services, The Harris Center for Mental Health</i>	✓	
Hon. Joe Moody, <i>Representative, District 78, Texas House of Representatives</i>		✓
Hon. Roxanne Nelson, <i>Justice of the Peace, Burnet County Precinct 1</i>	✓	
Hon. Robert Newsom, <i>Judge, Hopkins County</i>	✓	
Denise Oncken, <i>Bureau Chief, Mental Health Bureau, Harris County District Attorney's Office</i>	✓	
Hon. Harriet O'Neill, <i>Justice (Ret.), Harriet O'Neill Law Office</i>		✓
Dr. William Schnapp, <i>Mental Health Policy Advisor, Harris County</i>	✓	
Prof. Brian Shannon, <i>Paul Whitfield Horn Professor, Texas Tech University School of Law</i>	✓	
Reginald Smith, <i>Policy Analyst, Texas Criminal Justice Coalition</i>	✓	
Hon. Polly Jackson Spencer, <i>Judge (Ret.), Bexar County Probate Court</i>	✓	
Hon. Cynthia Wheless, <i>Judge, Collin County, 417th Judicial District Court</i>	✓	

Attending JCMH Staff

Kristi Taylor, Executive Director
Molly Davis, Staff Attorney
Kama Harris, Staff Attorney
Patrick Passmore, Grants Administrator

Welcome and Announcements

Justice Jane Bland, Co-Chair, opened the meeting and welcomed all in attendance. She noted that the agenda included an update on plans for the upcoming Summit, and a presentation on the proposals that are contained in the 2020 Legislative Recommendations and Reports document. Commissioner terms are temporarily extended, and moving forward, the Collaborative Council will meet bi-monthly. More information can be found in the Annual Report: [JCMH 2020 Annual Report](#).

Judge Barbara Hervey, Co-Chair, thanked everyone for attending. She recognized the eight organizations who received CCA grants for education courses, programs, and technical assistance projects, many of which have been delivered virtually. Those grantees are: Texas Center for the Judiciary, Texas Municipal Courts Education Center, Texas Justice Courts Training Center, The Center for American and International Law, Texas Association of Counties, Texas District and County Attorneys Association, Texas Criminal Defense Lawyers Association, and the Texas District Court Alliance. Judge Hervey requested updated information for the CCA's Mental Health Resource Guide.

Commissioner Updates

Dr. Tony Fabelo, Senior Fellow for Justice Policy, Meadows Mental Health Policy Institute, asked everyone to consider that the next legislative session will have significant budget cuts.

Dr. Octavio Martinez, Executive Director, Hogg Foundation for Mental Health, stated that due to Covid-19, the Hogg Foundation increased operating expenses for grantees from 10% to 20% to allow flexibility in helping their communities. Seven food banks representing 92 counties received additional funding from the Hogg Foundation to combat food insecurity. Grief centers offered mental health services for families and children. Broadband capability will be expanded in Bastrop and Morris Counties to support telemedicine and telepsychiatry in rural areas. Dell Medical School is providing mental health resources to first responders. Additional funds were given to grantees who are assisting with the 2020 Census. Finally, the 5th edition of the Mental Health Guide will be ready soon.

Mike Maples, Deputy Executive Commissioner for Health and Specialty Care System, HHSC, advised that due to Covid-19, state hospitals reduced capacity to create isolation space while ensuring that patients' needs were met. That reduction impacted the waiting list for people in jail awaiting competency restoration. Mr. Maples noted that sheriffs and jails are coordinating transportation with the state hospitals, which is helpful, as is the courts' willingness to hold mental health hearings on Zoom. State hospital capacity will expand by 350 beds over the next few years.

John Petrila, Senior Executive Vice President of Policy, Meadows Mental Health Policy Institute, reported that several communities are rethinking initial encounters of people with mental illness following a 911 call. RIGHT Care is a medical-facing crisis response in Dallas that sends a paramedic, a mental health professional, and a law enforcement officer out to mental health 911 calls. Meadows has seen a lot of interest in such an approach from cities in Texas and around the country. Resources can be found through their website, <https://www.texasstateofmind.org/covid-19/>. They have done a series of analyses on the impact of unemployment on substance use and suicide, and the ameliorative effect of interventions like collaborative care and medication assisted therapy.

Prof. Brian Shannon, Professor, Texas Tech University School of Law, stated that most of the legislative recommendations proposed by the Commission are not budgetary, but rather substantive improvements to existing statutes. He suggested that it might take several sessions to pass all of the proposed legislation, and there are opportunities to advise the legislature on smart spending, such as diversion programs and expanding capacity in outpatient programs.

Sonja Gaines Deputy Executive Commissioner for Intellectual and Developmental Disabilities and Behavioral Health Services, Texas Health and Human Services Commission (HHSC), provided an HHSC program update:

- LMHAs experienced a more than 100% increase in telehealth services, and a 300% increase in audio mental health services.
- There is no waitlist for services for children, and fewer than 100 adults are on a waiting list for services.
- A 24-hour Covid-19 Mental Health Support Line became available on March 31 for anyone in need of live, professional mental health support. The support line has responded to approximately 6,000 calls since inception. For more information, please visit: <https://hhs.texas.gov/services/mental-health-substance-use>
- The support line led to the creation of a virtual support group for frontline workers. For more information, please visit: <https://hhs.texas.gov/services/mental-health-substance-use/mental-health-substance-use-resources>
- HHSC secured a \$5.8 Million FEMA grant to provide crisis counseling services through the LMHAs in all 254 counties, which has provided 3000 individual encounters, 1500 group encounters, and over 2 million social media contacts so far.
- HHSC also provided \$1 million to 13 LMHAs to provide contracted inpatient care with local hospitals.

Denise Oncken, Bureau Chief, Harris County District Attorney, Mental Health Bureau, reported on developments in Harris County. Harris County has been holding tele-hearings for a long time, so they were able to quickly adapt proceedings during Covid-19. The waiting list for admission to state hospitals continues to increase, but Harris County has several initiatives to avoid the waiting list. The LMHA will now pay for GPS monitors for individuals in outpatient competency restoration programs, increasing the number of people who can participate. Over 3000 people have been diverted pre-charge in the last two years. A team of Harris County assistant district attorneys have been working on a mental health book for TDCAA. The Houston Bar Association will hold a virtual Criminal Trial and Appellate Bench Bar Conference in September, featuring a mental health panel.

Beth Mitchell, Supervising Attorney, Disability Rights Texas, had concerns that the forensic waiting list increased to 1200 people, from 800 people in February. More work can be done to move people through the system in a timelier manner. Some courts are not holding hearings, opting to extend commitments instead, which slows the movement of people through the system. Ms. Mitchell noted that Zoom hearings are only helpful if clients have the technology to participate in virtual hearings.

Beth Lawson, Chief Executive Officer, StarCare Lubbock, shared that the LMHA system in Lubbock is working diligently to support people during Covid-19 with curbside visits and providing cell phones to clients. New users are contacting the LMHA, including first responders and teachers seeking support during the panemic. Clients are responding well to virtual services, and “no-shows” have decreased.

Maj. Mike Lee, Harris County Sheriff’s Office, takes pride in the programs that intercept and divert people with mental illness from the criminal justice system, such as the Harris County Diversion Center and the crisis drop-off center. Following a successful pilot program, 100 Harris County patrol deputies now carry an iPad, allowing a direct connection to a mental health professional in the field and resolving up to 70% of calls for service. Major Lee also sees an opportunity to provide a non-law enforcement response to the 80% of 911 calls that do not involve violence.

Dr. Octavio Martinez, Executive Director, Hogg Foundation for Mental Health, highlighted three Texas initiatives: the JCMH, the Texas Children’s Mental Health Care Consortium, and the state hospital redesign. Dr. Martinez proposed that these three initiatives, along with the Hogg Foundation, collaborate during the

upcoming legislative session. He also expressed concern for the disproportionate impact of Covid-19 on the Black and Latinx communities and proposed the creation of a Health Equity Office at HHSC.

Executive Director Report

Kristi Taylor turned attention to the annual Report to the Courts, highlighting the accomplishments of the Commission in its first two years. Next, Ms. Taylor summarized the Commission's projects under the Strategic Plan. A current strategy focus is the examination of the prevalence and impact of racial disparities for people with mental health needs, substance use disorders, and IDD in the court system.

Collaborate

Justice Bill Boyce delivered an overview of the JCMH 2020 Legislative Recommendations and Reports, which will be presented to the Judicial Council as proposals for the upcoming legislative session. Eleven legislative proposals were presented, as well as a summary of the services recommendations. Justice Boyce invited comments and feedback on the proposals.

Kristi Taylor detailed the work of the Senate Bill 362 Task Force, which also developed recommendations for legislation, technology solutions, and forms.

Educate

Judge Camile DuBose touted the success of the second edition of the Bench Book, which included new information on competency restoration. Copies of the Bench Book are still available for distribution by emailing JCMH@txcourts.gov.

Judge Cynthia Wheless advised that the Juvenile Bench Book committee, comprised of over 30 of the top experts in juvenile law and mental health, is hard at work writing the Juvenile Bench Book. Like the Bench Book, it follows the Sequential Intercept Model and identifies the points at which children and adolescents can be diverted from the justice system and into community-based services. The Juvenile Bench Book should be available in print by the end of 2020. Judge Wheless also praised the many Commissioners who have championed early intervention at the juvenile justice level.

Kama Harris stated that planning for the 2020 Summit is underway. This year, the Summit will be virtual and over 500 attendees have already registered. The Curriculum Committee has organized programming for a half-day spotlight on juvenile mental health issues, and a half-day spotlight on IDD issues, as well as a full day of topics related to the intersection of criminal justice and mental health issues.

Lead

Judge John Specia (Ret.), announced that NAMI-San Antonio is planning the faith-based Pathways to Hope virtual conference on August 21 and 22. Judge Specia reported two new projects that the Commission has under consideration: a pilot project to launch Community Forensic Coordinators, and a grant to OCA for programming and web support, which would develop an online "one-stop shop" resource that will give the user detailed information about their local courts, diversion programs, and service providers. Judge Specia also reminded the Commission that he publishes Jurist in Residence letters several times per year.

Financial Report

Patrick Passmore gave an overview of the JCMH budget. JCMH was not subjected to a budget reduction. Many conferences were canceled, so some of the funds that would have been used for conferences and related travel have been repurposed for grants.

Judge Hervey thanked everyone for attending.

Justice Bland thanked everyone for attending and adjourned the meeting.

Meeting adjourned.