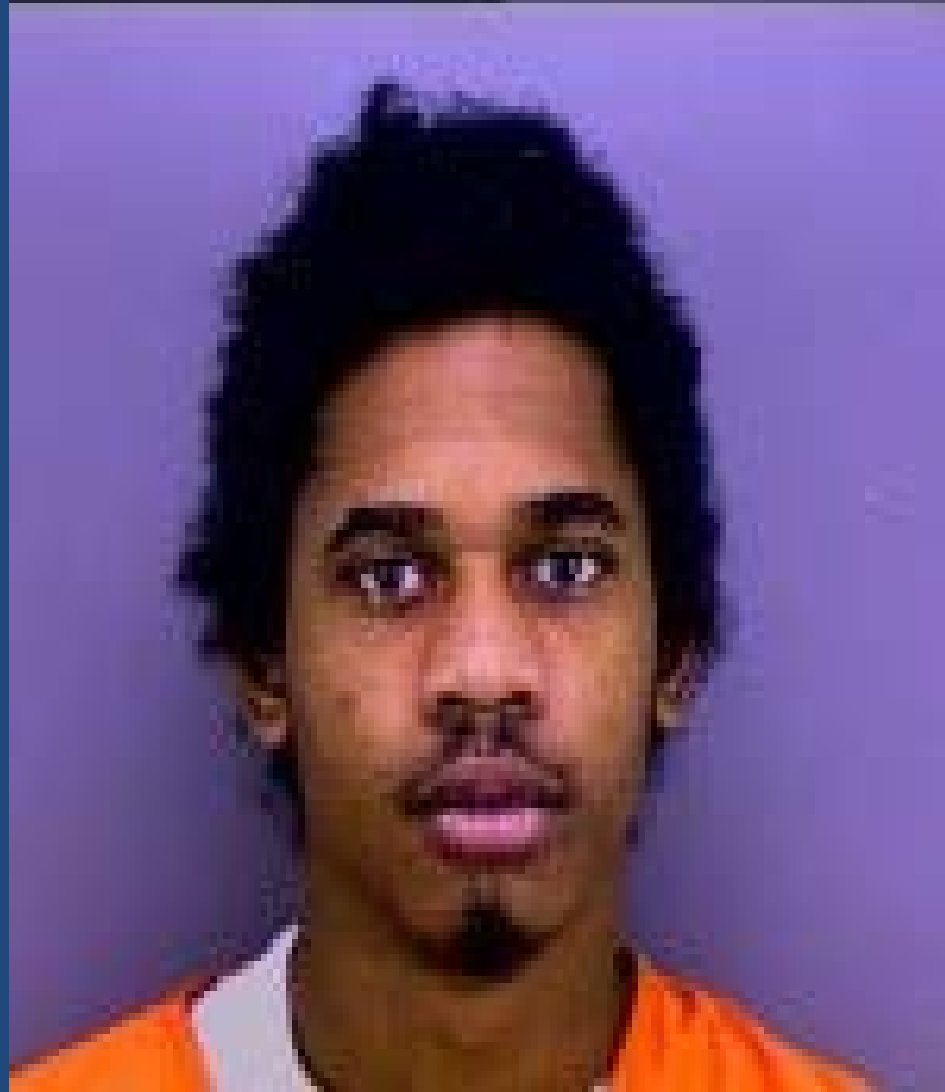


# B.T.

- Age 5 began psychiatric inpatient care
- Age 12 continues in psychiatric hospital
- Age 12 Katrina hits New Orleans B.T. evacuated to Corpus Christi and loses family
- Age 13 reunited with family in Tyler
- Age 14 stabs sister
- Age 14 committed to TYC
- Age 16 “Successfully” discharged
- No Follow-up
- Age 16 Four months after discharge he stabs and murders Todd Henry in class



**14 FACILITIES, EACH WITH MH STAFF  
MOST SEVERE ARE PLACED AT  
CORSICANA TREATMENT UNIT**

Texas Juvenile Justice Department

Corsicana Stabilization Unit  
released 206 kids under Section  
1550 finding they were too ill  
for treatment

At least 6 murders were committed by  
those 206 untreated children from  
2005 through 2009

# Closing of TJJD Facilities

The Texas Juvenile Justice Department has closed the Corsicana Stabilization Unit which had been reserved for the juveniles with the most severe mental health issues

9 Secure Facilities

7 Halfway Houses

8 Contract Care



# Mental Health Issues and the Juvenile Justice System

Why Juvenile Mental Health Evaluations are  
Necessary, Cost-effective, and in some cases,  
Required.

Texas Association of County Judges  
February 22, 2018  
College Station, Texas

James Huggler  
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Tyler, Texas 75702  
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# Mental Illness

- Mental illness is defined as an illness, disease, or condition, other than epilepsy, senility, alcoholism, or mental deficiency, that:
  - (A) substantially impairs a person's thought, perception of reality, emotional process, or judgment; or
  - (B) grossly impairs behavior as demonstrated by recent disturbed behavior
- Primary purpose of juvenile system is to rehabilitate
  - The evaluation can be conducted for treatment, not just competence or sanity



# Juvenile

- Fitness to Proceed – Similar to Adult Competency.
- Can they understand the charges, assist their attorney with a factual understanding, ability to testify
- Lack of Responsibility – Similar to Adult Insanity
- Based on MH Illness they cannot understand right from wrong

# mental illness by the numbers

12-month prevalence for  
illnesses in U.S. adults

1.1%

ABOUT 2.6 MILLION  
AMERICAN ADULTS LIVE  
WITH **schizophrenia**.

6.7%

**Major depressive  
disorder** AFFECTS  
ABOUT 15.7 MILLION  
AMERICAN ADULTS.

26.2%

AN ESTIMATED 61.2 MILLION  
AMERICAN ADULTS ARE  
AFFECTED BY **a mental  
disorder**.

2.6%

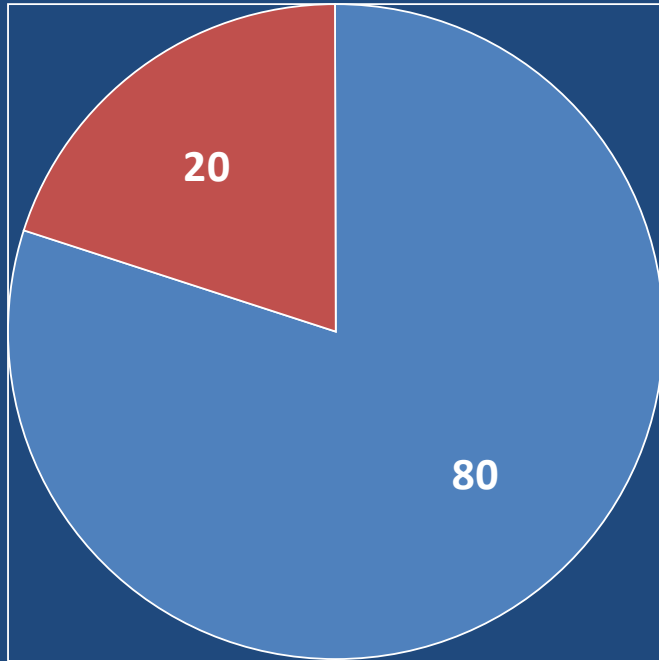
**Bipolar disorder**  
AFFECTS 6.1 MILLION  
AMERICAN ADULTS PER  
YEAR.

4.1%

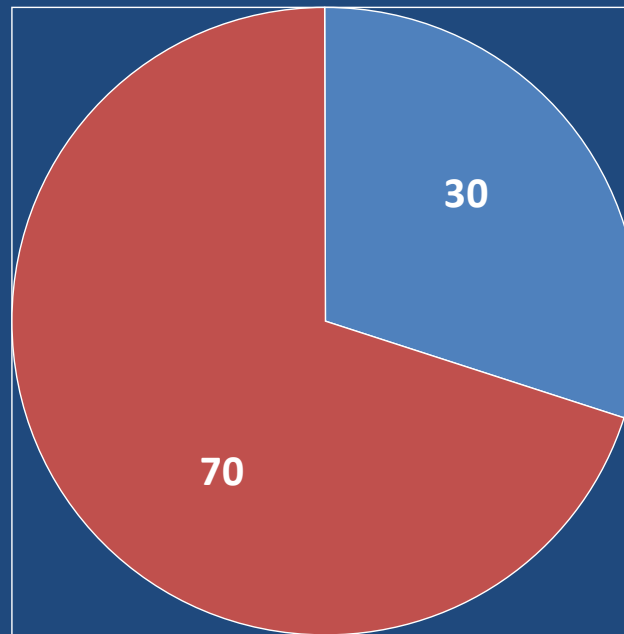
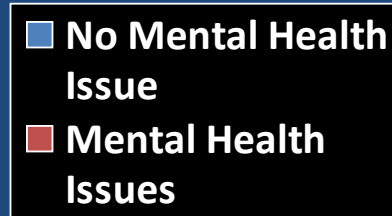
AN ESTIMATED 9.6 MILLION  
AMERICAN ADULTS HAVE  
**Attention Deficit  
Hyperactivity Disorder  
(ADHD)**.

# TEXAS MENTAL HEALTH SPENDING

Ranks 46<sup>th</sup> in the Country



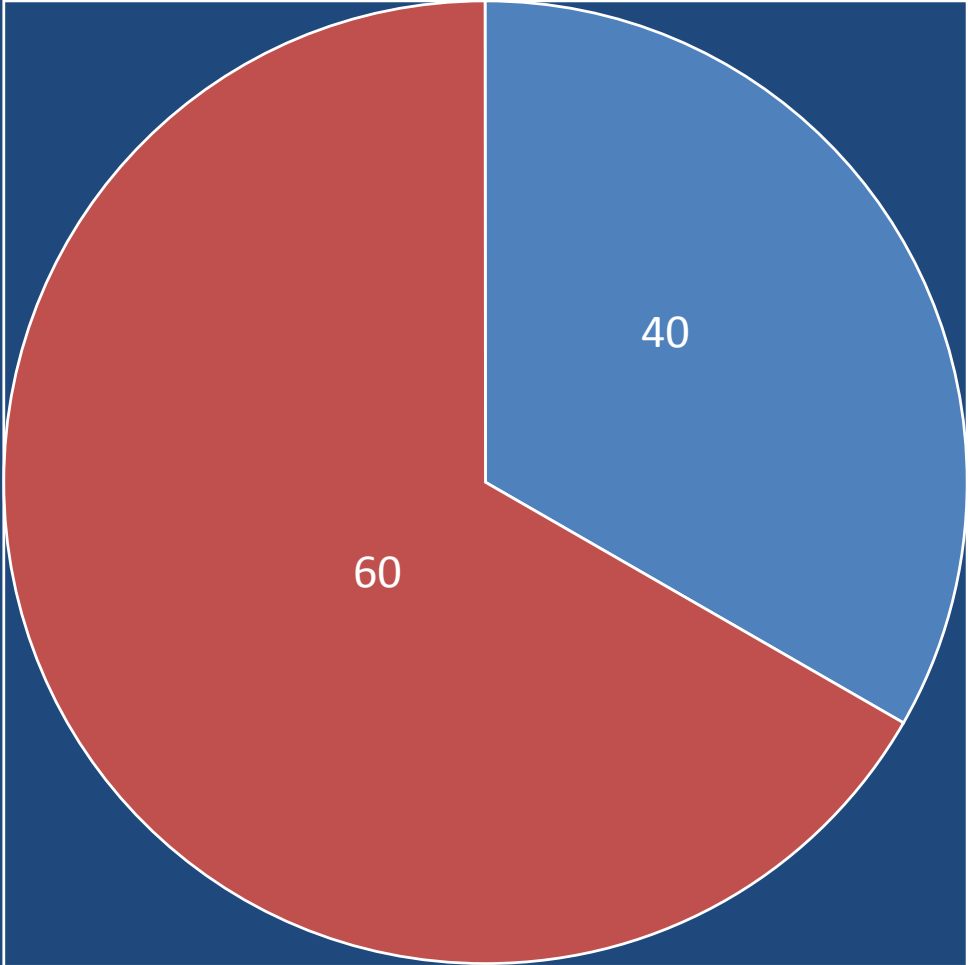
**General Juvenile Population**



**Populations of Juveniles in Custody**

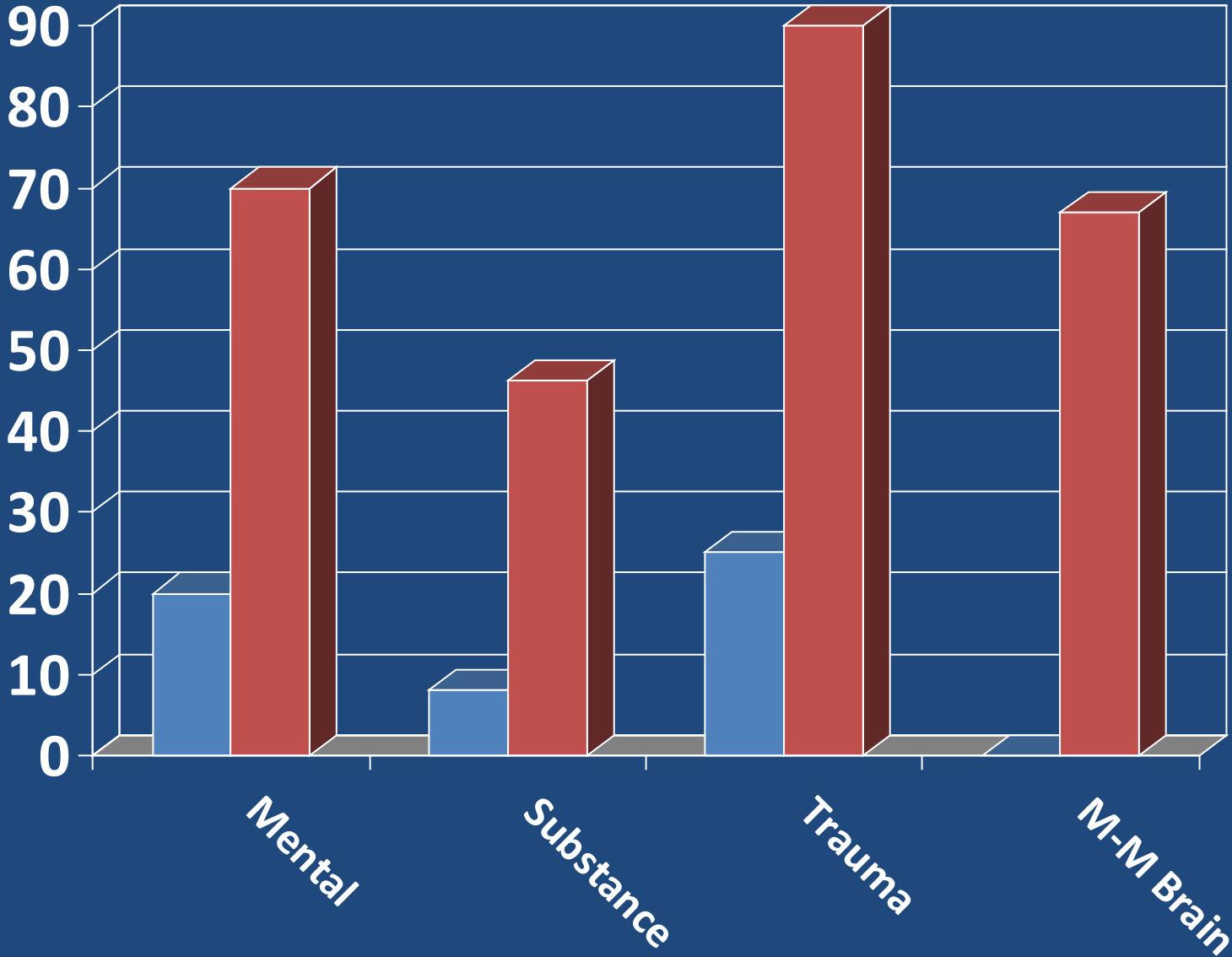


# Juveniles in Custody



 **No issues**

 **Co-occurring  
Mental Health  
and Addiction  
Issues**



- Adults with untreated mental health conditions are 8 times more likely to be incarcerated
- 20-24% of the Texas inmate population has a mental health need
- TDCJ - \$130 M
- TCOOMI \$21.9 M care coordination

# Costs and Numbers

- 36,000 super utilizers who live in poverty, short-term interventions through jails and ERs
- 500,000 juveniles and 1,000,000 adults
- \$650 Million in local justice system costs for mental illness and substance use disorders
- \$1.4 Billion in Emergency Room costs
- Inmates in Harris County receive psychotropic meds and MH services \$26M



Largest MF facility in the Texas

**HARRIS COUNTY JAIL – 3,000 PEOPLE RECEIVING  
MH CARE AND MEDS**



- Psychiatrist, Willard Gold, interviews a female inmate for mental health issues at the Harris County Sheriff's Office Mental Health Unit

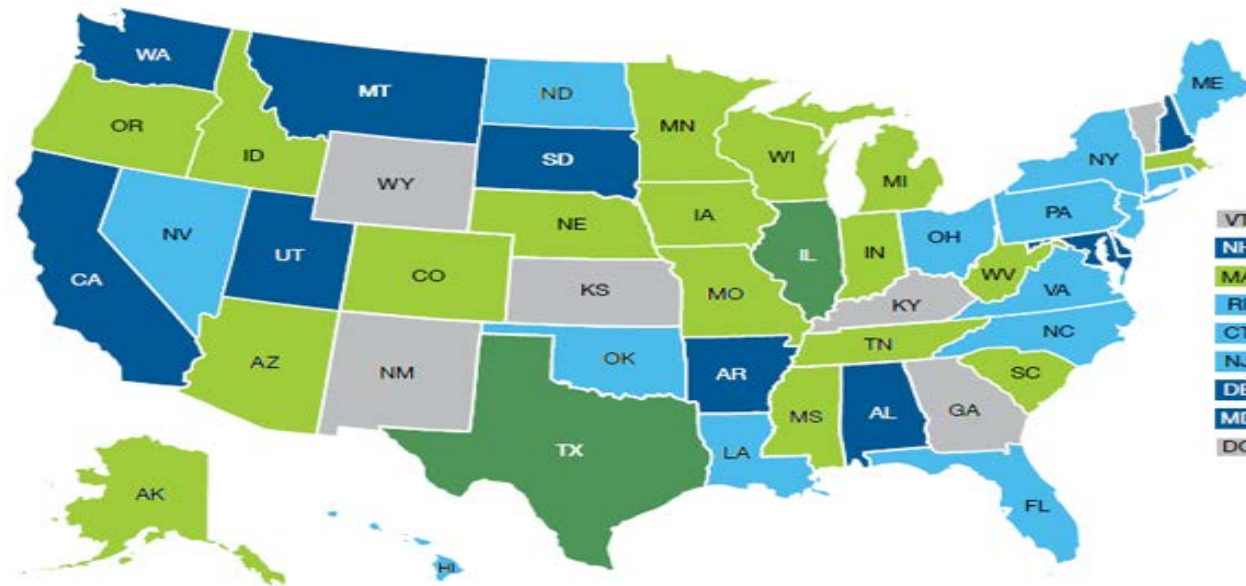
- Harris County jail is the largest unlicensed mental health facility in the state
- Of the 620,250 persons in the TDCJ system, 140,959 had been registered in the Department State Health Services system
  - 23% of adult offenders who were in a Texas state prison, on parole, or on probation were current or former consumers of the DSHS-funded mental health system
- More than 22,000 Texans received inpatient psychiatric treatment in 2013 for serious illnesses like schizophrenia and bipolar disorder
- All of Austin's psychiatric facilities consistently operate at full capacity

- 2,400 Beds for inpatient psychiatric treatment in state mental health facilities
- Average length of stay was 58 days in 2012, 74 days in 2015
- Waiting list of 424 patients housed in local jails

# Texas ranks near bottom in per-inmate healthcare spending

## Spending on Inmate Health Care Rose in 42 of the 44 States, With Median Growth of 49 Percent Over 7 Years

Correctional health care spending change by state, 2001–08



### CATEGORIES:



Note: All spending figures are in 2008 dollars. Nominal fiscal 2001 data provided to Pew by the Bureau of Justice Statistics were converted to 2008 dollars using the Implicit Price Deflator for state and local government consumption expenditures and gross investment included in the Bureau of Economic Analysis' National Income and Product Accounts.

Source: U.S. Department of Justice, Bureau of Justice Statistics  
© 2013 The Pew Charitable Trusts



## MENTAL HEALTH FUNDING

Texas legislators passed a slew of mental health-related legislation in 2013, restoring more than \$332 million to mental health and substance abuse disorders. The additional funding will help restore and increase mental health initiatives in the following areas:

### **Adult Mental Health**

Eliminates the state's waiting list; expands housing options; expands veteran's mental health program; adds diversion program for mentally ill inmates in the Harris County jail

### **Children's Mental Health**

Expands the Youth Empowerment Services waiver; eliminates the children's waiting list for services

### **Coordinated Care**

Restores funding to the Communities in Schools program

### **Criminal Justice**

Restores funding for unit psychiatric care

### **Community Hospitals**

Adds six beds to the Harris County Psychiatric Center to treat those who need longer-term care

### **Juvenile Justice**

Funds placement of at least one licensed mental health professional in each of the 47 juvenile probation facilities in Texas that operate detention facilities

### **Substance Abuse**

Increases rates to substance abuse providers; expands the Oxford House model across the state

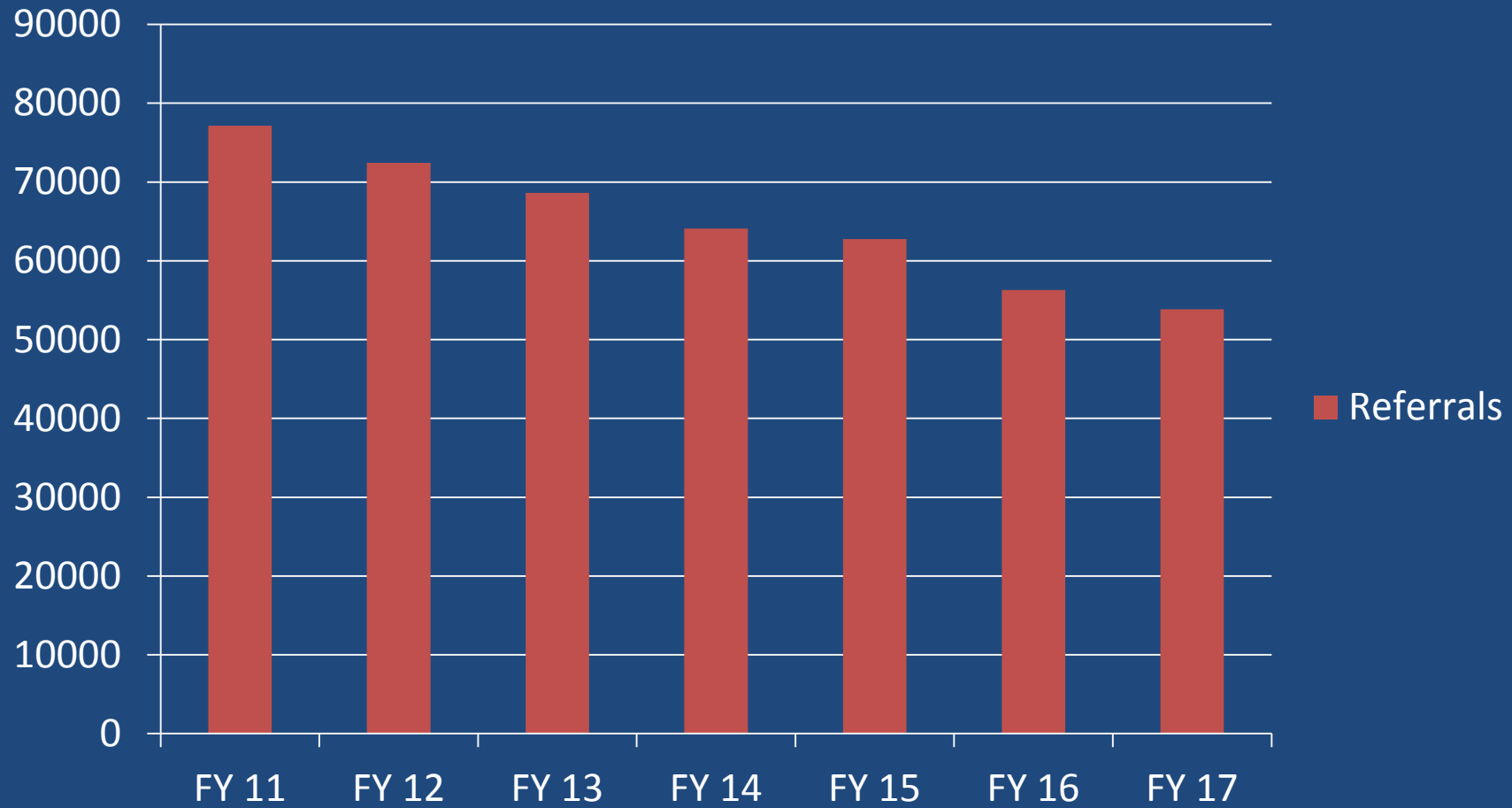
Source:  
Mental Health America of Greater Houston



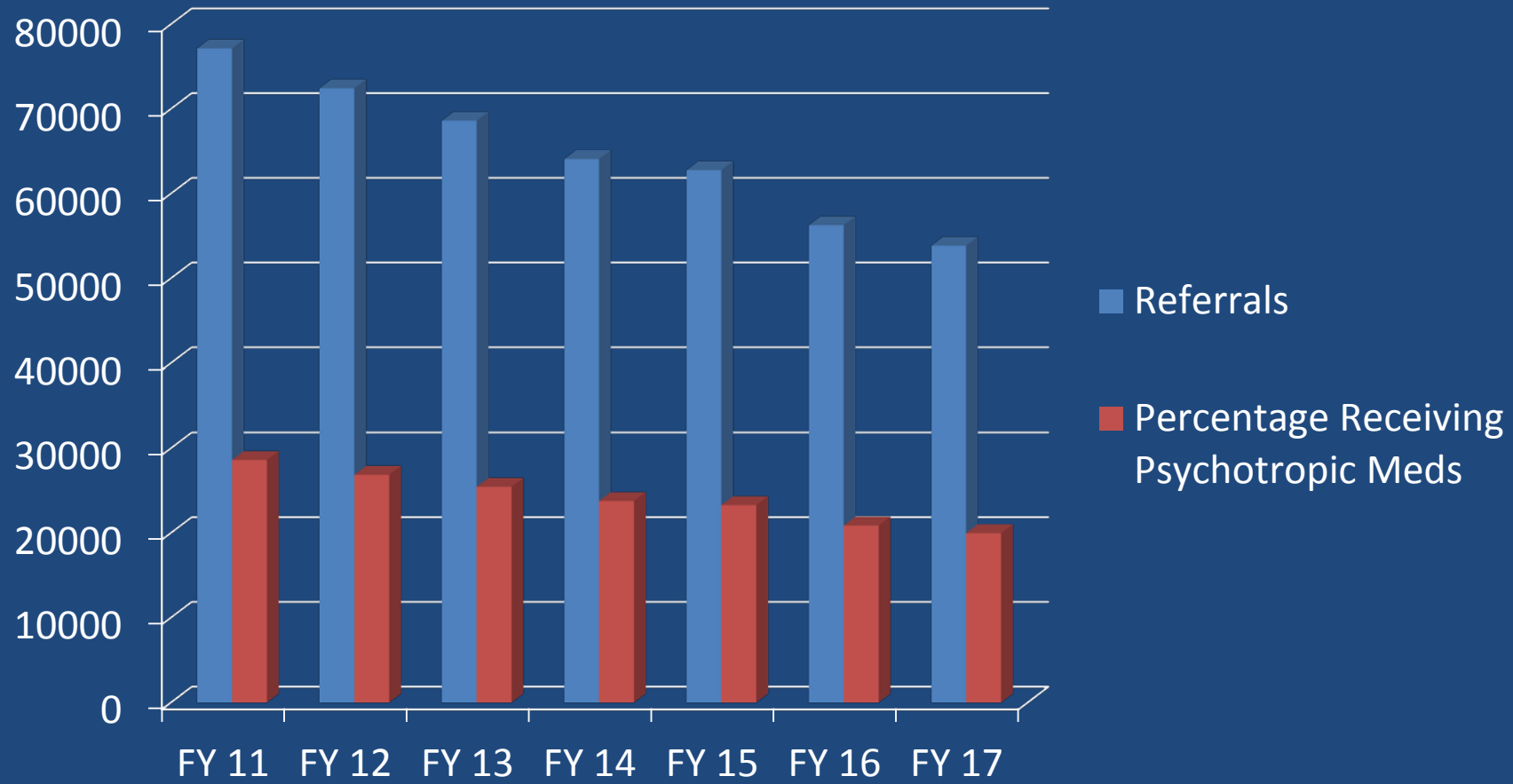
## **Timberlawn Facility Closes in Dallas February 16, 2018**

144 Possible beds closed

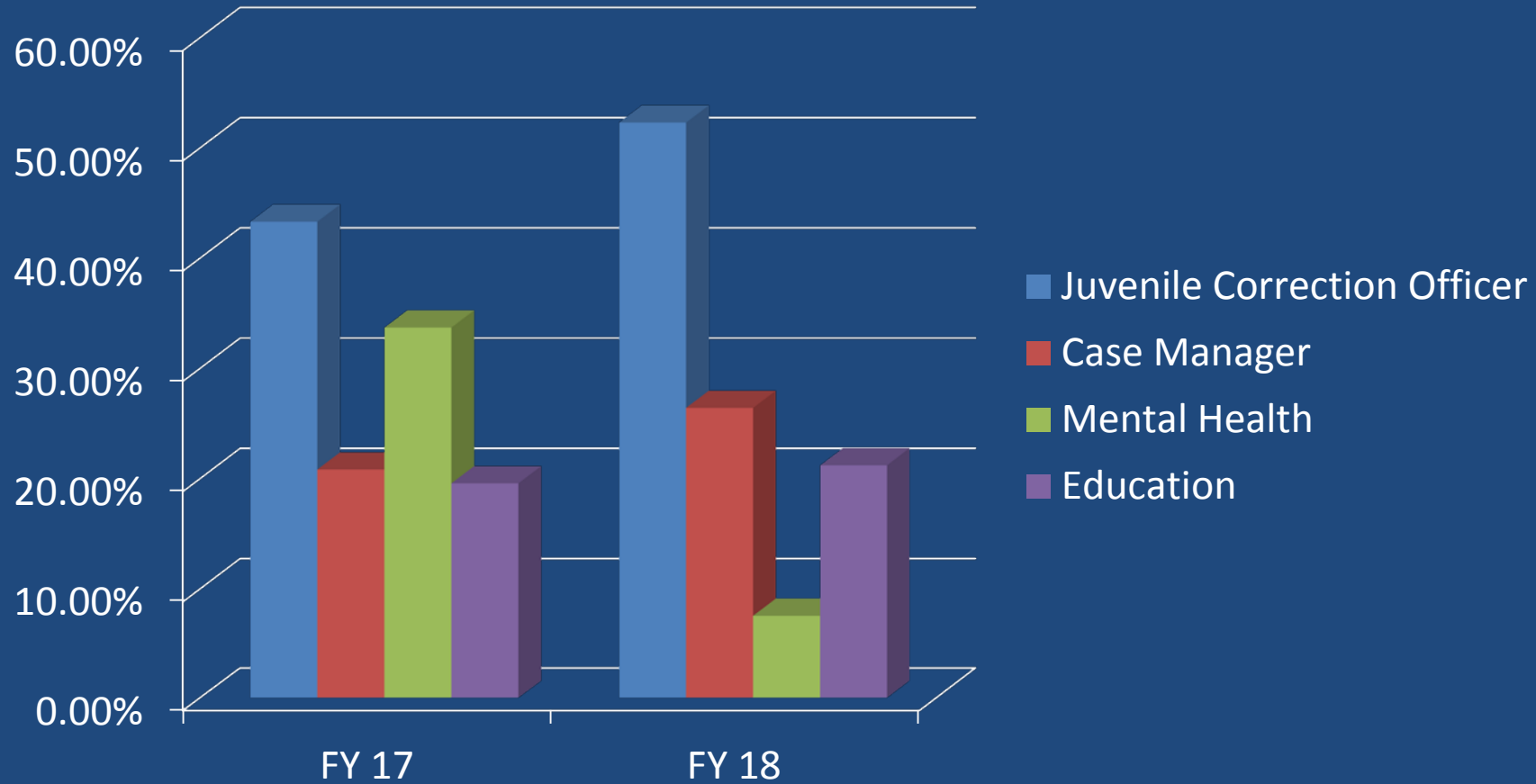
# Referrals to TJJJ







# TJJD Staff Vacancy Issues



# Kids in Juvenile Justice

## General Population

- 20% Mental Disorder
- 8% Substance Abuse Disorder
- 25% Traumatic-Event Exposure

## Juvenile Justice

- 70% Mental Disorder
- 46.2% Substance Use Disorder
- 90% Traumatic-Event Exposure
- 67% TJJD met criteria for mild or moderate-severe brain injuries

# 48 Pre-adjudication County Facilities

**19**

- Offer Programs for kids with mental health conditions

**15**

- Provide programs for kids with substance abuse conditions

# 36 Post-adjudication Facilities at County level

- 27 offer programs for kids with mental health conditions
- 31 provide programs for kids with substance abuse conditions

- Texas HHS received \$43.1 Billion from feds 2016-2017
- US HHS Substance Abuse and Mental Health Services Administration (SAMHSA) plans to reduce Community Mental Services Block Grant from \$532 to \$417 million and other cuts totaling \$374 million

FY 2015 Counties paid 73%,  
remainder by the state and  
federal government

Does Anyone Think Our Criminal  
Justice or Juvenile Justice Systems  
are Properly Equipped to Treat the  
Severely Mentally Ill?



# Nowhere but Prison

- On July 3, 2014 in Liberty County, Assistant District Attorney Matthew Poston represented the state on a motion to revoke the probation of a man who has been repeatedly in trouble with the law
- As a result of there being nowhere else for the mentally ill who violate the law, the costs of their treatment, as well as the normal costs of housing an inmate, falls onto the Texas Department of Criminal Justice and local county jails

*“We feel sorry for them, but there’s nothing else we can do. We have an obligation to protect the public.”*

*-Logan Pickett, District Attorney*
- Columbus Berry: arrested at least 70 times from 1988 to 2017

- *"You're not supposed to do anything other than feed him, give them a bed, make sure they don't harm anyone else or themselves. ... You're not in there trying to cure people."  
-Cook County Sheriff Thomas J. Dart*

# Questions to Determine Mental Health Issues

- Age
- School
- Employment
- Health
- Prior Cases
- Current Case

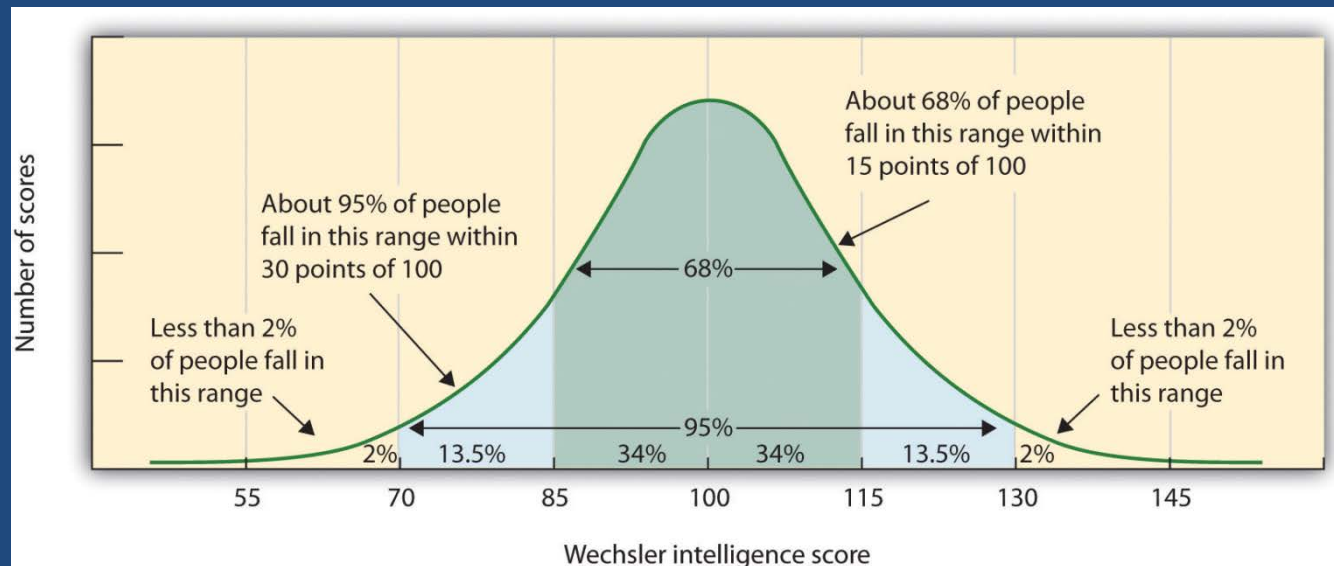
# Questions to Determine Mental Health Issues

- General Questions
- Orientation
- Medical History
- Behavior/Mood
- Basic Abilities
- Affect
- Thought Processes
- Facility concerns

# IQ is a range

- On May 27, 2014, the Supreme Court held that the Florida rule requiring a defendant to have an IQ of 70 or below before presenting evidence of intellectual disability violated his Eighth Amendment rights in a death penalty case
- The Supreme Court recognized that IQ scores should not be read as a single fixed number but as a range
- In 2017 Smith County attempted to place a juvenile in an MHMR facility but the facility initially refused because the defendant's I.Q. was two points too high

- 5% of people have an IQ under 70 and this is generally considered as the benchmark for "mental retardation"
- Severity of mental retardation can be broken into 4 levels:
- 50-70 - Mild mental retardation (85%)
- 35-50 - Moderate mental retardation (10%)
- 20-35 - Severe mental retardation (4%)
- IQ < 20 - Profound mental retardation (1%)



# Texas Judicial Council

- 2016 Established the Mental Health Committee for Recommendations to:
- Examine best practices in criminal/civil system for those suffering from or affected by mental illness
- Look for systemic approaches
- Recommend legislative changes for 2017 session

February 13, 2018

## Joint Session of TXSC and CCA

- A broken system and a broken brain are a terrible combination.  
Adrienne Kennedy
- Courts have an obligation to play an active role in expanding the state's capacity to respond. PJ Sharon Keller
- We often think of mental illness as an invisible disease but its effects can be seen in our courts as Texans with these challenges find themselves in every part of the justice system.  
CJ Nathan Hecht



# Conclusions

- The criminal justice system is filled with people accused of criminal conduct who suffer from a variety of mental health issues including:
  - Addiction
  - Schizophrenia
  - Manic-depressive disorder
  - Bipolar disorder
- Many clients do not want to undergo the process to determine their competence
  - A brief stay in a mental health facility or other treatment may not be effective
- Commonly seen are clients who only take the medication necessary to treat their illness while in custody
  - Brief periods of stability and lengthy periods of medical non-compliance

# Juvenile Strengths

- Can receive MH evaluation and services without Competency/Fitness to Proceed
- Sometimes can engage CPS resources
- Juvenile caseloads are lower in court and probation

# Progress

While I am a junior at Texas Tech studying communications studies and social work, statistically I'm supposed to be in prison, on drugs, homeless or dead.

Angel Carroll began journey through CPS, TYC at age 9

She credits her attorney with listening to her instead of seeing and judging her

