



On August 26, 2008, One Voice and The Network of Behavioral Health Providers hosted ***When Systems Collide: Harris County Behavioral Health and Criminal Justice Systems***. Candidates for Harris County Judge, District Attorney and Sheriff presented their views on issues and remedies to ensure that the adult criminal justice system is not the community behavioral treatment system “safety net.”

Each candidate was asked, in advance of the forum, to respond to three questions. These questions are noted in this document as well as a summary of each candidate’s response. At the end of the panel presentation, candidates were asked questions from the audience.

CANDIDATES FOR COUNTY JUDGE

A. PANEL QUESTIONS:

Question 1: As County Judge, how would you work to eliminate inappropriate incarceration of Harris County citizens who have mental illnesses and/or substance abuse problems by providing additional community services?

Question 2: As County Judge, would you be willing to make availability of housing a priority for this population?

Question 3: As County Judge, in what ways would you take the lead to ensure that the Texas legislature, who will be meeting in session beginning in January, is responsive to the needs of this population?

Judge Ed Emmett:

- We need to incarcerate fewer people with mental illness and substance abuse needs.
- The county and city need to work together to ensure availability of housing for those with mental illness and substance abuse issues.
- We are putting far too many kids into jail needlessly, and that needs to be corrected. As County Judge, I chair the Juvenile Board. One of the things the Juvenile Board has done is sign a contract with the Annie Casey Foundation to come up with alternatives to incarceration so that we have a better approach to how we deal with juvenile justice.

Mr. David Minberg:

- We need to work to prevent crises in youth and adults who end up incarcerated due to lack of treatment options. Let’s put our efforts and our money into prevention.
- Need to adopt a housing strategy to provide stable housing for people with mental illness that afford them with supervision, rehabilitation and work training services.
- We must work together to ask our state legislature for our fair share of mental health resources and additional resources for pilot programs here in Harris County.
- We know of the enormous challenges that our returning veterans face, and our legislature must acknowledge their service to our country and provide us resources; but we must also locally face up to our challenge.

B. AUDIENCE QUESTIONS:

Question 1. How would you convince your colleagues on Commissioners’ Court to increase funding for community-based mental health/substance abuse services so as to reduce the need for jail-based services? It is clearly a question about funding and money.

Judge Ed Emmett:

- To me, this is not a theoretical question. It's something I do every day. It's not really a matter of convincing Commissioners Court. It's a matter of working with Commissioners Court. It's a matter of putting together the facts, and in this case, the facts are relatively indisputable.
- Let me use my 2 minutes to talk a little bit about an initiative that Commissioners Court is behind. I mentioned the Annie Casey Foundation. The technical title is the Juvenile Detention Alternatives Initiative. It has the full support of the Commissioners Court because they understand that if we're going to stop this pipeline, frequent flyers they are called, we may as well start when they're young, and that's what JDAI is all about.
- It's not a question of me convincing the Commissioners Court. It's a question of us continuing. We're going down the right path. We are making it happen, and I look forward to continuing that.

Mr. David Minberg:

- I think this is an issue in which we need to work together and talk about the additional programs that we can bring to bear. I have visited with many of the commissioners at Commissioners Court. Commissioners Court is open to it. They need to be shown what the changes are that we want to accomplish and they need to be shown the specific budget items, that it's not a question of spending more money, it's a question of how we allocate those resources for best results.
- Let's put a program in place and let's measure the outcome. Let's understand what is it that we want to achieve, what is it going to cost us, how does that compare with what we've been spending in the past, and what are the quantifiable outcomes? That's what we need to do at Commissioners Court. We need to set up a business structure that helps people evaluate, so at the end of the day Commissioners Court, everyone in this room, and the public at large can say, "Look at this program. We did this housing program here. We did this youth program here. We dealt with the inmates. We worked across a broad spectrum of programs. We re-allocated money."
- We need to look at that number, take that \$87 million, see how we can better spend it and better allocate it, and then come back and at 12 months and 24 months and 36 months and 48 months say, "What did we do? What did we accomplish?"

Question 2: Only a dozen Houston neighborhoods are the source of a very large percentage of inmates in TYC and the Texas Department of Criminal Justice system. How are you going to improve conditions in these neighborhoods?

Mr. David Minberg:

- We're talking about having a concentration of criminals in certain neighborhoods, and this goes to the safety and security that is critical to all of us in our day-to-day lives. We need to make sure that there's proper and adequate funding for safety and security, and we need to be sure that we understand where criminals are, how they're pursued, how they're arrested and what is the appropriate place for them in the justice system. You've got to be able to work with the people up and down the line. I think that's critically important.

Judge Ed Emmett:

- The premise of the question is correct, but I think we're always going to have it. We're going to have neighborhoods and vicinities where crime is going to be worse than other areas.
- I think we need to look at what we do in the county, but you have to understand that from the county government's point of view, we are an arm of the state of Texas. We don't have ordinance-making power. We have certain limitations. But I think it's very important that all the agencies of the county work together—from the Harris County Housing Authority to the sheriff's office to the district attorney's office—to make sure that we know where those hot spots are and we deal with them and we try to go in and make sure that the economies of those areas are as robust as they can possibly be so that they don't become crime-ridden.

CANDIDATES FOR DISTRICT ATTORNEY

A. PANEL QUESTIONS:

Question 1: How would you optimize the use of personal recognizance bonds to safely release those with low-level criminal offenses?

Question 2: How would you recommend the use of pre-trial intervention contracts for this population?

Question 3: Do you see community supervision as an alternative to incarcerating this population, and how would you ensure that it was equitably utilized?

Chief Brad Bradford:

- We must utilize PR bonds more aggressively for non-violent misdemeanor offenses; whether it's misdemeanor theft, hot checks, criminal prosecution, and gambling or misdemeanor possession cases.
- While keeping public safety as a priority, we should use pretrial intervention contracts for first offenders in some cases.
- We must develop an internal electronic tracking system in the District Attorney's office and solicit input from substance abuse and mental health service providers to ensure that a proper therapeutic approach is included in the pretrial intervention agreements that are designed.
- Community supervision can be useful and should be utilized to exercise good stewardship of resources, save precious bed space and allow offenders a better opportunity to access treatment in order to rehabilitate them.
- Let's really support and fund supervised housing. We can use that portion of asset forfeiture dollars, allowable under the statute, to support community-based organizations that rehabilitate substance abuse suspects and those in mental health crisis.

Judge Pat Lykos:

- To solve this issue, I'd like to see something that I call "humane pragmatism." This requires a comprehensive effort. It requires coordination and a collaboration of all levels of government—federal, state, local governments and agencies, the private sector, the non-governmental agencies, the faith-based organizations; and we need statutory changes. Law enforcement must be involved.
- I would suggest that we develop facilities—what they call SROs, single room occupancy type of facilities—but we need statutory changes so that we can have civil commitment, so people can be placed into these facilities. They need to be 24/7. They need to have the social workers there. They need to have the folks who can provide the medicine there.
- We were talking about personal bonds. There is also what we call pretrial release. You can take people and put them under intensive supervision. The SRO that I was describing to you, you can let them out on a pretrial release bond, put them in this facility and have them diagnosed.
- Whether you're talking about and calling it pretrial intervention, whether you're talking about calling it pretrial diversion or deferred prosecution, what you do is you establish eligibility requirements, ... so that there's transparency, and that's how it's equitable.
- Probation—absolutely; reformation—I believe in reformation; always keeping in mind public safety, always keeping in mind restitution; but we've got to do something about the folks with the mental illness, the people who have the drug addictions.

B. AUDIENCE QUESTIONS:

Question 1: What policy could you implement to reduce the number of criminal charges against people in behavioral health crises who have committed low-level offenses?

Chief Brad Bradford:

- Put a policy in place that would really evaluate whether we should encourage law enforcement officials to issue citations in areas where the Texas state legislature has allowed that to be permissible.
- Train the prosecutors when cases are being screened and let's look carefully at the elements of those particular cases.

Judge Pat Lykos:

- What you do is you divert those folks with the crack pipe residue and the other offenses into the facilities that we were talking about through pre-trial diversion, through deferred prosecution, through probation and all sorts of alternatives.

Question 2: How, specifically, can we get the prosecutors in court to factor in that mental illness played a part in the commission of the crime?

Judge Pat Lykos:

- The investigation of the case, of course, beginning with law enforcement and then the prosecution's reviewing that, and the prosecutors being educated and understanding, and this collaboration again with the defense bar.

Chief Brad Bradford:

- I will mandate training for each assistant district attorney so they will help work through these issues as many of you are doing on a day-to-day basis individually and with your service organizations. I believe the training is necessary to help the assistant district attorneys better recognize, understand, and communicate regarding persons suffering from substance abuse and mental health crisis.

CANDIDATES FOR SHERIFF

A. PANEL QUESTIONS:

Question 1: Would you be willing to increase the number of deputies who receive the full 40-hour crisis intervention team curriculum to train law enforcement personnel in responding to mental health crisis?

Question 2: What policies would you implement to improve response to these crises and divert this population from your jail?

Question 3: How would you implement discharge planning to facilitate continuity of care to those with behavioral health problems when they are released from jail?

Council Member Adrian Garcia:

- Funding reductions for mental health services have forced law enforcement into being first responders and this is wrong.
- Jail should not be the "help center" for mental health issues.
- These same issues are present with juveniles.
- In-custody deaths should have been wake up call to take action.
- Need for state resources as opposed to community criminalization of mental health issues.
- Need for collaboration.
- Committed to providing 40 hour training to new and veteran officers.
- Committed to meeting with community within first 100 days to share recommendations to improve policies and practices; group will remain as standing committee to sheriff's office.
- Create partnerships with transitional residential facilities and treatment centers.
- Implement community case management intervention program to reduce incidents that currently lead to jailing of those with mental health issues.

Sheriff Tommy Thomas:

- Mental health issues in Harris County Jail are the most complex of issues.
- Contracted with the University of Texas Health Science Center and Harris County MHMRA to work on medical and mental health services.
- Hired physician as Director of Medical Services.
- Opened mental health unit in March 2007 for high risk mental health patients; contract with Harris County Psychiatric Center for additional beds.
- Created processing practices that include interviews to assess need for medical and/or mental health care, including medicines.
- Release of individuals from jail, mental health unit, and Harris County Psychiatric Center scheduled in time frame to enable them to meet up with caregivers.
- Proponent of continuity of services.
- Open to working with organizations regarding all aspects of mental health issue.

B. AUDIENCE QUESTIONS:

Question 1: When persons are released from Harris County Jail, are they released with medications? If not, why, and how would you address this issue?

Council Member Adrian Garcia:

- As I understand it, there are people who need to be released with medications, it's not always happening and so we need to make sure that we find ways to accomplish that.
- Make sure that we have relationships with other agencies in the community that can help provide that, and make sure that there is a network so that they are not just falling into the communities without any support, supervision, or contact or any other form of support.

Sheriff Tommy Thomas:

- First of all, if an individual is released from Harris County jail and they have medication with their property, the medication is taken away from them within the jail system. When they are released, it's given back to them, so they are released with the medication.
- If they're in our mental health unit, they are given either meds or a prescription. If they go from our psychiatric unit to the Harris County Psychiatric Center, they also are given medication or a prescription.

Question 2: How will you collaborate with the medical centers, institutions of higher learning, and the public schools?

Sheriff Tommy Thomas:

- That's something that we do on a day-to-day basis right now. My staff are on numerous task forces with a lot of you folks in this room. We deal with the medical center on a daily basis. We are certainly involved with schools within Harris County. All of our community outreach programs are something we've been doing for years and certainly will continue to do.

Council Member Adrian Garcia:

- These issues are complicated, and when you're facing complicated issues, you don't try to answer them yourself, but you reach out to people that may be observers but should be participants.
- I already have a strong relationship with the Houston Independent School District.
- I've worked in the past as a director of the mayor's anti-gang office with the Harris County Department of Education to work on implementing programs at the school level.
- I worked with MHMRA to develop a pilot program at Jeff Davis High School so that we could get services to children at the high school level when they were exhibiting problematic behavior.
- I will make sure that I continue to do what I have been doing and that is to bring people together, challenge ourselves, and work through issues.