

**JUDICIAL COMMISSION ON MENTAL HEALTH
MINUTES OF MEETING
MARCH 12, 2021
VIRTUAL MEETING**

ATTENDEES:

Hon. Jane Bland, **Chair**, *Justice, Supreme Court of Texas*

Hon. Barbara Hervey, **Chair**, *Judge, Court of Criminal Appeals of Texas*

Hon. Bill Boyce, **Vice-Chair**, *Former Justice, Fourteenth Court of Appeals; Partner, Alexander, Dubose & Jefferson*

Hon. John J. Specia, Jr., **Jurist in Residence**, *Judge (Ret.), Plunkett, Griesenbeck & Mimari, Inc.*

David Slayton, *Administrative Director, Office of Court Administration*

Dr. Connie Almeida, *Director, Fort Bend Co. Behavioral Health Svcs.*

Hon. Cory L. Carlyle, *Justice, Fifth Court of Appeals*

Hon. Brent Carr, *Judge, Tarrant Co. Criminal Court No. 9*

Hon. Camile G. DuBose, *Judge, 38th Judicial District, Hondo Co. & Medina Co.*

Dr. Melissa Eshelman, *Associate Professor, UT at Austin, Dell Medical School*

David Evans, *Chief Executive Officer, Integral Care*

Dr. Tony Fabelo, *Senior Fellow for Justice Policy, Meadows Mental Health Policy Institute*

Alyse Ferguson, *Chief Attorney, Collin Co. Mental Health Managed Counsel*

Sonja Gaines, *Deputy Executive Commissioner for Intellectual Developmental Disability and Behavioral Health Svcs.*

Kevin Garrett, *Peer Support Advocate*

Dr. Courtney Harvey, *Associate Commissioner, Texas HHSC*

Hon. Bonnie Hellums, *Judge (Ret.), 247th District Court, Harris Co.*

Hon. Dave W. Jahn, *Judge, Denton Co. Criminal Court No. 1*

Hon. Oscar J. Kazen, *Judge, Bexar Co. Probate Court No. 1*

Dr. Andy Keller, *President and CEO Meadows Mental Health Policy Institute*

Adrienne Kennedy, *Immediate Past President, NAMI National*

Beth Lawson, *Executive Director, StarCare Specialty Health System*

Maj. Mike Lee, *Harris Co. Sheriff's Office*

Hon. Elizabeth Byer Leonard, *Judge, 238th Judicial District Court, Midland Co.*
Hon. Pam Liston, *Presiding Judge, City of Rowlett Municipal Court*
Mike Maples, *Deputy Executive Commissioner, Texas HHSC*
Dr. Octavio Martinez, Jr., *Executive Director, Hogg Foundation for Mental Health*
Hon. Stacey Matthews, *Judge, 277th District Court, Williamson Co.*
Beth Mitchell, *Senior Attorney, Disability Rights Texas*
Hon. Tamara Needles, *Judge, 427th District Court, Travis Co.*
Hon. Roxanne Nelson, *Justice of the Peace, Burnet Co. Pct. 1*
Denise Oncken, *Mental Health Bureau Chief, Harris Co. District Attorney's Office*
Lee Pierson, *Chief of Mental Health Division, Dallas Co. District Attorney's Office*
James Rasmussen, *Chief Public Defender, Wichita Co. Public Defender's Office*
Hon. Renee Rodriguez-Betancourt, *Judge, 449th District Court, Hidalgo Co.*
Prof. Brian Shannon, *Paul Whitfield Horn Distinguished Professor, Texas Tech University School of Law*
Shelley Smith, *Chief Executive Officer, West Texas Centers*
Chief Stan Standridge, *Chief, San Marcos Police Department*
Hon. Charles A. Stephens, *Judge, Comal Co. Court at Law No. 2*
Brandon Wood, *Executive Director, Texas Commission on Jail Standards*
Hon. Cynthia Wheless, *Judge, 417th District Court, Collin Co.*
Wayne Young, *Chief Executive Office, The Harris Center*
April Zamora, *Director, Reentry and Integration Diversion/Texas Correctional Office on Offenders with Medical or Mental Impairments, Texas Department of Criminal Justice*

The following Commissioners were not present:

Camille Cain, *Executive Director, Texas Juvenile Justice Dept.*
Hon. Francisco X. Dominguez, *Judge, 205th District Court, El Paso Co.*
Hon. Yolanda Huff, *Judge, Bexar Co. Court at Law No. 12*
Hon. M. Sue Kurita, *Judge, El Paso Co. Court at Law No. 6*

MINUTES OF THE MEETING

WELCOME AND ANNOUNCEMENTS

Justice Jane Bland, Co-Chair, opened the meeting and welcomed the attendees. New Commissioners were welcomed. Justice Bland expressed gratitude to those that served on the inaugural commission. Justice Bland then thanked and welcomed members of Collaborative Council, who were also in attendance. Justice Bland gave a brief update on Commission events and emphasized the importance of advancing the mission of the Commission, and the improvement of service to people with mental health challenges when they encounter the judicial system. Justice Bland also stated that this meeting will discuss legislative proposals and education initiatives, as well as discuss grants made to pilot projects.

Hon. Barbara Hervey, Co-Chair, welcomed the new Commissioners and discussed the meeting's agenda. Judge Hervey referred to the [Summit Report](#) and informed the attendees that the Court of Criminal Appeals is updating the [Mental Health Resource Guide](#). The guide will be available on the Court of Criminal Appeals' website. Judge Hervey asked Commission members to send resource information to the Court of Criminal Appeals. Judge Hervey also discussed the Court of Criminal Appeals' resource website (with map). Judge Hervey concluded her opening remarks by asking attendees to review the agenda and minutes from the previous meeting.

INTRODUCTION OF COMMISSIONERS

Commission members introduced themselves:

Hon. Bill Boyce

- Vice-Chair of the JCMH
- Former Justice, 14th Court of Appeals
- Involved with mental health issues as they relate to the judiciary since 2016

Dr. M. Connie Almeida

- Director, Fort Bend Co. Behavioral Health Services
- Licensed psychologist and licensed practitioner in school psychology
- Began her work with the court system 15 years ago with Judge Hellums infant/toddler court.

Hon. Cory L. Carlyle

- Justice, 5th Court of Appeals
- Developed a passion for working on issues regarding IDD/MH as an attorney

Hon. Brent A. Carr

- Judge, Tarrant Co. Criminal Court No. 9
- Started a mental health program in 2003
- Devoted to practitioner education and development re NH issues in the criminal justice system

Hon. Camile G. DuBose

- Judge, 38th Judicial District, Uvalde Co.
- Leader in the production of the JCMH Bench Book
- Former judge of traveling child protection court

Dr. Melissa Eshelman, M.D.

- Associate Professor, University of Texas at Austin, Dell Medical School
- Heads all student psychiatric services on the UT Austin campus
- Board certified in forensic psychiatry

David L. Evans

- CEO, Integral Care
- Has been working in the mental health field for forty years
- Launched a program in Austin to have clinicians embedded within the 911 call center

Dr. Tony Fabelo

- Senior Fellow for Justice Policy, Meadows Mental Health Policy Institute
- Instrumental in encouraging courts and counties to use data as a guide for policy and procedure
- Recently launched a new initiative with the Pew Charitable Trust that works to divert people from jail to treatment in the community

Alyse Ferguson

- Chief Attorney, Collin Co. Mental Health Managed Counsel
- Former Mental Health Chair of the Texas Criminal Defense Lawyers Association
- Committed to finding creative and collaborative solutions to problems encountered by individuals with mental health issues who encounter the criminal justice system

Sonja Gaines

- Deputy Executive Commissioner for Intellectual Developmental Disability and Behavioral Health Services, Texas Commission on Health and Human Services
- Oversees community mental health services, as well as services for IDD and substance abuse
- Recently expanded the outpatient competency restoration program from 13 sites to 18 sites

Kevin Garrett

- Peer Support Expert
- Former Hogg Foundation Peer Policy Fellow, Texas Jail Project
- Vice-Chair, State Bar Disability Issues Committee

Dr. Courtney Harvey

- Associate Commissioner, HHSC Office of Mental Health Coordination
- Mental Health Coordinator and Chair of Statewide Behavioral Health Coordinating Council
- Worked in the Mental Health field for 14 years

Hon. Bonnie Hellums

- Former Judge, 247th Judicial District, Harris Co.
- Joined State Court Trial Bench in 1997
- Has decades of experience in mental health, IDD and substance abuse and has sat on several state commissions and committees in her work to help the people of Texas

Hon. Dave Jahn

- Associate Judge, Denton Co. Probate Court
- Member of the Denton Co. Behavioral Health Leadership Team
- Integral member of the JCMH SB 362 Committee

Hon. Oscar J. Kazen

- Judge, Bexar Co. Probate Court, No. 1
- Started a therapeutic Court in Bexar Co. in 2003/2004
- Significant experience as a Mental Health Court Judge and Criminal Court Judge

Dr. Andrew Keller

- CEO, Meadows Mental Health Policy Institute
- Announced \$200 million in funding coming to Texas for substance use disorder treatment and mental health treatment
- Is focused on “upstream” intervention and prevention

Adrienne Kennedy

- Immediate Past President of NAMI National
- Focused on early identification, intervention and support for families and caregivers
- Continually striving to develop best practices and best care

Beth Lawson

- Executive Director, StarCare Specialty Health System
- Works closely with the criminal justice system in Lubbock and surrounding areas
- Committed to collaboration across communities

Maj. Mike Lee

- Chief of Law Enforcement for Harris Co. Sheriff's Office
- 31-year career in law enforcement
- Involved in the implementation of the Harris Co. CORE Program, a tele-health program that links patrol officers with mental health physicians

Hon. Elizabeth Leonard

- Judge, 238th Judicial District, Midland Co.
- Started a Mental Health Court in 2013
- Has recently initiated a jail-based competency restoration program

Hon. Pam H. Liston

- Presiding Judge, City of Rowlett Municipal Court
- Has been a judge for 10 years
- Several years of practical experience in dealing with citizens with mental health issues, IDD and substance use disorders, and their interactions with her court and community services

Mike Maples

- HHSC, Deputy Executive Commissioner for Health and Specialty Care
- Instrumental in the passage of SB 562 which diverts individuals who are committed to the Maximum-Security Unit to treatment facilities
- Currently working to shorten the length of time it takes for competency restoration

Dr. Octavio N. Martinez

- Executive Director, Hogg Foundation for Mental Health
- Working towards the creation of an Office of Forensic Sciences that would coordinate cross agency efforts at HHSC
- Also working to create an Office of Health Equity at HHSC which would help better serve Texas' rural communities, communities of color, and other underserved communities

Hon. Stacey Mathews

- Judge, 277th District Court, Williamson Co.
- Established and manages a Transformative Justice Docket for young adults (17-24) in the justice system
- Through the Transformative Justice Docket, young adults can be diverted for mental health treatment as needed

Beth Mitchell

- Senior Attorney, Disability Rights Texas
- Work focuses on advocacy for individuals with disabilities, including those with IDD and MH issues
- Committed to collaborative efforts to increase awareness and aide for individuals with IDD and mental health concerns

Hon. Tamara Needles

- Judge, 427th Judicial District, Travis Co.
- Previously a Criminal Defense Attorney for 20 years and mainly represented individuals with mental health and substance abuse issues
- Sits on the Steering Committee for the Austin State Hospital re-design and is hoping to create diversion and reentry centers as part of the overall redesign of the State Hospital

Hon. Roxanne Nelson

- Justice of the Peace, Burnet Co. Pct. 1
- Burnet Co. Representative on the board for Bluebonnet Trails Community Services (LMHA)
- Is encouraged to share her professional as well as personal experience to the work of the Commission

Denise Oncken

- Mental Health Bureau Chief, Harris Co. District Attorney's Office
- 35 years of experience as an attorney in Harris Co.
- Thanks in part to her work, Harris Co. has been able to divert thousands of pre-charge individuals to diversion centers for treatment

Lee Pierson

- Chief of Mental Health Division, Dallas Co. District Attorney's Office
- Joined the Dallas Co. DA's Office in 2011 and has spent most of time there working on mental health dockets, diversion docket and the restoration docket
- Announced possible soft opening of Dallas Co.'s first diversion center in September 2021

James Rasmussen

- Chief Public Defender, Wichita Co. Public Defender's Office
- 20 years of experience representing individuals in civil commitment proceedings
- Implemented a full-time MH case manager and dedicated pre-trial diversion staff at WCPDO

Hon. Renee Rodriguez-Betancourt

- Judge, 449th District Court, Hidalgo Co.
- 449th District Court is an exclusively juvenile court
- Focused on addressing mental health issues that affect children who appear in her court and is devoted to collaborative efforts that focus on prevention, as well as mitigation

Prof. Brian Shannon

- Paul Whitfield Horn Distinguished Professor, Texas Tech University School of Law
- Focused on collaborative efforts between state and local agencies
- Brings personal experience, as well as professional experience, regarding the challenges faced by people with mental health issues and their contact with the justice system

Shelley Smith

- CEO, West Texas Centers
- West Texas Centers cover a 23-county area in West Texas
- Focuses on supporting and utilizing the jail-based case worker model for diversion and Mental Health Deputy programs that are offered in her service area

Chief Stan Standridge

- Chief, San Marcos Police Department
- Helped established the Mental Health Pathways Committee of the Texas Police Chiefs Association
- Focused on upstream intervention programs

Hon. Charles Stephens

- Judge, Comal Co. Court at Law, No. 2
- Started a Veterans Treatment Court six years ago
- Worked with JCMH staff to establish a Community Resource Referral Program designed to focus on prevention and diversion, recently approved by the Comal Co. Commissioners' Court.

Hon. Cynthia Wheless

- Judge, 417th District Court, Collin Co.
- Over 20 years of experience in representing individuals with mental health issues, IDD and substance abuse disorders
- Helped create a sex trafficking court, which partners with West Coast Children's Clinic to address mental health issues for victims of sex trafficking

Brandon S. Wood

- Executive Director, Texas Commission on Jail Standards
- Focused on improving methods to divert individuals with mental health issues from the jail system.

Wayne Young

- CEO, The Harris Center
- Licensed Professional Counselor
- Recently started pilot program with Houston Police Department concerning non-law enforcement response to 911 calls

April Zamora

- Director, Reentry and Integration Diversion/Texas Correctional Office on Offenders with Medical or Mental Impairments, Texas Department of Criminal Justice
- Focused on addressing individuals with mental health issues before they reach the Department of Justice and the Texas Prison System
- Devoted to collaborative efforts with the legislature, the court system, and other partners to make a lasting difference on the way mental health issues are addressed by the criminal justice system

LEGISLATIVE UPDATE: DAVID SLAYTON

Mr. Slayton discussed the Commission's legislative recommendations for proposed bills:

1. Legislative Research Task Force: 11 Commission recommendations were made and included in Senate Bill 1739, filed by Sen. Judith Zaffirini. Rep. Joe Moody will file the House version.
2. The Commission's emergency procedures recommendations were included in Senate Bill 1511 and House Bill 3977, sponsored by Sen. Zaffirini and Rep. Moody, respectively.
3. The Court Omnibus Bill contains recommendations pertaining to emergency procedures: Senate Bill 1530 and House Bill 3774, sponsored by Sen. Joan Huffman and Rep. Jeff Leach, respectively.
4. The Omnibus Bill can be a vehicle to include other recommendations from the Commission.

Mr. Slayton and the Commission are still working to get other recommendations into bills. The next steps for current bills are education and Legislative Committee hearings. The Commission's staff will notify Commissioners if/when testimony is needed. Mr. Slayton asks Commissioners to reach out to the Commission staff or to him regarding concerns and/or corrections to bills.

BUSINESS UPDATE

Judge Hervey introduced Kristi Taylor, JCMH Executive Director.

Kristi Taylor discussed the following items of Commission business:

1. Budget: Ms. Taylor gave a brief history and overview of the JCMH and discussed the funding source of the Commission. She informed the Commission that funding is used toward plans to fulfill the Commission's mission, staff-directed projects, legislative work, producing the annual Summit, and for publications, including bench books and code books. Also, the Commission awards grants to local communities. Ms. Taylor informed the Commission that the grants are directed to highlight innovative practices as well as to fund technology, software, and equipment. Ms. Taylor announced the Grants Page on the JCMH website. The Grants Page will present information on new grants being offered and how former grants have been allocated and used.
2. Ms. Taylor then moved on to the Committee Reports:
 - a. Forms Committee: Judge Dave Jahn discussed the Senate Bill 362 Task Force. The SB 362 Task Force was charged with creating forms for emergency detention, the civil commitment process and the 46B criminal process. The Committee's goal is to produce a set of standardized forms that can be used in any county. The Committee will continue working on these forms. Judge Jahn gave a special thanks to Judge Brent Carr, Judge Nelda Cacciotti, Judge Clay Harrison, Judge Guy Herman, Judge Roxanne Nelson, Judge Robin Ramsey, Ms. Melinda Brents, Mr. Steve Wohleb, and Molly Davis of the JCMH staff. The Committee is prepared to send a full and completed report to the Commission by August 2021.
 - b. Bench Book Committee: Judge Camile DuBose advised that the Second Edition of the Bench Book added chapters on competency restoration. This year the Committee will reconvene and finish the sequential intercept model by adding material on Insanity and Intercept 4 (Re-entry). Judge DuBose reminded attendees that the Bench Book is available in both electronic and print form. The [electronic version](#) can be found on the JCMH website, under the publications tab. The Committee distributed approximately 500 bench books at the 2019 Summit. 600 additional copies were printed, and most have been distributed. Judge DuBose reminded attendees that they can still get a hard copy of the bench book by sending an email to the JCMH@txcourts.gov. Judge DuBose closed and stated that she looks forward to working with everyone this year.
 - c. Summit: Judge Brent Carr informed attendees that the 2020 Summit was attended by 1,500 people, from multiple states and every discipline that touches the issues and work of the Commission. The positive response to the Summit was overwhelming and Judge Carr informed the attendees that the special attention to IDD issues was very well received. Dr. Steinberg's presentation was over 95% rated as "excellent" or "very good." Judge Carr stated that the Committee is preparing for the next Summit and soliciting ideas and input. Judge Carr informed

the attendees that the Curriculum Committee will meet soon. Judge Carr thanked the Legislative Committee and David Slayton for his report, and thanked Judge Dave Jahn, Judge Guy Herman, and Judge Nelda Cacciotti for their work on the Forms Committee.

- d. JCMH Staff Attorney Kama Harris gave an update on the 2021 Summit and informed attendees that it will be held Oct. 14-15 at the Sheraton Georgetown Hotel and Conference Center. The Summit will be in-person, with an option to watch online. Speakers will need to present in-person. Proposals and abstracts for the Summit are due by April 1st.
- e. Jurist in Residence: Judge John Specia stated that he is excited to continue to work as Jurist in Residence for the Commission. He will continue to support the work of the Commission and be involved in training and technical assistance for Commission members and staff. Judge Specia reminded the attendees that the Jurist in Residence Letter is published every couple of months, and it is available on the [JCMH website](#). Judge Specia also informed the attendees that they can call him anytime with questions or to discuss issues. Judge Specia thanked Justice Bland and Judge Hervey for their leadership and collaboration. Hervey for their leadership and collaboration.
- f. Health and Human Services Commission (HHSC) and JCMH Community Diversion Coordinator Pilot Project: Dr. Jennie Simpson advised that HHSC and JCMH have partnered on a pilot project that aims to divert individuals with mental illness who are charged with nonviolent misdemeanor offenses from the criminal justice system. The Community Diversion Coordinator will be employed by a District Court, Co. Court, or LMHA and will serve as a collaborative liaison between the courts, LMHA, state hospitals and other stakeholders. Two sites will be selected through a request for proposal process. Key responsibilities of the Diversion Coordinator include:
 - i. Identify diversion opportunities that an individual might qualify for and work collaboratively with partners to place them in an appropriate diversion program.
 - ii. Serve as a connection point between courts, jails and LMHAs for incompetent individuals who need restoration services. Coordinator will ensure information flows between the appropriate entities and will be able to determine if the individual qualifies for outpatient or jail-based competency restoration programs.
 - iii. Act as a boundary spanner and foster and develop collaboration among partners.

The pilot project is particularly interested in diversion from trial court to court-ordered outpatient mental health services. Both HHSC and JMCH Staff will be actively involved in providing intensive technical assistance to the pilot sites. An evaluator will be engaged to document and understand lessons learned from the pilot. Additionally, the sites will

develop a blueprint to assist other jurisdictions in implementation of their own version of this project. Understanding the impact of diversion on public safety is a critical part of the pilot and the evaluator will focus substantially on this issue. An advisory body is convened regularly as well as a smaller working group. The target release for RFAs is April 19th. Selection of the sites should occur in June 2021. The goal is to begin the pilot in September 2021.

Kristi Taylor concluded the business portion and thanked the Committee chairs for their contributions.

CLOSING:

Judge Barbara Hervey gave closing remarks and thanked the Commissioners for their participation. The next Commission Meetings are April 23rd and August 13th. The Commission Chairs and Staff will assess whether the meetings will be in-person or virtual and inform the Commission accordingly. Judge Hervey said she looks forward to meeting the Commissioners in person and adjourned the meeting.