



Monthly JCMH Collaborative Council Call

Tuesday, March 2, 2021
12:00 p.m. – 1:00 p.m. CST

Attendees:

Name	Organization
1. Justice Jane Bland, Co-Chair	The Supreme Court of Texas
2. Judge Barbara Hervey, Co-Chair	The Court of Criminal Appeals of Texas
3. Kristi Taylor, JD, Exec. Director	Texas Judicial Commission on Mental Health
4. Molly Davis, JD, Staff Attorney	Texas Judicial Commission on Mental Health
5. Kama Harris, JD, Staff Attorney	Texas Judicial Commission on Mental Health
6. Judge Devon Anderson	Former Judge, Director of Justice Forward
7. Amy Befeld, JD	Texas Association of Counties
8. Virginia Brown, PhD	Dell Medical School, The Univ. of Texas at Austin
9. Sonja Burns	Advocate
10. Judge Nelda Cacciotti	Mental Health Magistrate
11. Leah Davies, LMSW	Texas Center for Disability Studies
12. Lesli Fitzpatrick, JD	Law Office of Lesli R. Fitzpatrick
13. Gilbert Gonzales, MPSA	Bexar Co. Dept. of Behavioral and Mental Health
14. Krish Gundu	Texas Jail Project
15. Greg Hansch, MSW	NAMI Texas
16. Angelita Hunter	City of McKinney Municipal Court
17. Windy Johnson	Texas Conference of Urban Counties
18. Louise Joy, JD	Joy & Young, LLP
19. Justice Evelyn Keyes	1st Court of Appeals (Ret.)
20. Mike Lozito	Bexar County District Attorney's Office
21. Joanna Mendez, MSSW, LMSW	Refugee Services of Texas
22. Megan Molleur, JD	Texas Court of Criminal Appeals
23. Jen Mudge, MS	Texas Council on Family Violence
24. Judge Kirk D. Noaker	Burnet County Magistrate's Office
25. John Pettila, JD	Meadows Mental Health Policy Institute
26. Judge Daphne Previti Austin	Former Judge, The Law Office of Shawn C. Brown
27. Officer Terry Qualls	McKinney Police Department Crisis Intervention Team
28. Janis Reinken, JD	House Committee on Corrections
29. Deputy Joe Ross	Grayson County Mental Health Officer

30. Rachel Samsel, MSSW	Texas Health and Human Services Commission
31. Jonas Schwartz	Texas Workforce Commission
32. Jennie Simpson, PhD	Texas Health and Human Services Commission
33. Haley Turner, MSW	Texas Health and Human Services Commission
34. Sally Uncapher, JD	Bexar County District Attorney's Office
35. Julie Wayman, MSW	Texas Education Association
36. Dennis Wilson	Sheriff's Association of Texas (Ret.)
37. Steve Wohleb, JD	Texas Hospital Association

1. New Collaborative Council Members

Kristi Taylor introduced the two new Collaborative Council members, Hon. Devon Anderson and Deputy Joe Ross.

Hon. Devon Anderson was a former Harris County District Attorney and the former Presiding Judge of Harris County Drug Court #4. Judge Anderson is now the CEO and President of a nonprofit in Houston called [Justice Forward](#), a unique collaborative that supports all specialty courts and the clients that are going through those courts, and provides transitional housing, trauma and grief counseling, transportation, and tuition assistance.

Dep. Joe Ross is an officer in the [Mental Health Peace Officer Program in Grayson County](#).

2. Summit Update

Kristi Taylor announced that plans are underway for the next Judicial Summit on Mental Health. A Request for Proposals has been issued with a response deadline of April 01, 2021. Topics will include a legislative update, emergency detentions, civil commitment, and the continued elevation of the voices of those with lived experience. This year's Summit will continue to follow the Sequential Intercept Model, discussing Intercept 4, Re-entry, in conjunction with the release of the 2021 Bench Book (3rd ed.), which will also cover Re-entry.

3. Discussion of Potential Summit Topics

Mike Lozito suggested a discussion on developing policies and data tracking for Diversity, Equity, and Inclusion in programming.

Judge Barbara Hervey stated that she would like to see a practical courtroom presentation at the next Summit and recommended Damon Parrish, a defense attorney from the Harris County Mental Health Public Defender's Office. She indicated she can also find a speaker to represent the prosecutor perspective.

Sonja Burns asked that Traumatic Brain Injury (TBI) be a topic at the next Summit. Ms. Burns also suggested that JCMH consider Eric Smith, a graduate of Judge Kazen's AOT Program, as a speaker

at the Summit. Ms. Burns advised that she continues to see the topic of TBI reoccur in conversations concerning juveniles, the death penalty, and many more areas, but there is so much more to do on the topic. She additionally provided a link to the [Houston Chronicle's series](#) on the Texas Jail System. Many other Council members joined this conversation, indicating a need for more education on the topic, and to include the Commission on Jail Standards in a future conversation regarding TBI. She also recommended that JCMH consider the impact of TBI on the competency waitlist. **Dr. Jennie Simpson** offered to connect Sonja Burns with the [HHSC Office of Acquired Brain Injury](#), and to see if they might find a topic to present on at this year's Summit.

Louise Joy suggested the topic of jail standards and issues related to the provision and continuity of medication in jails.

Dr. Virginia Brown commented that the Summit should include a discussion on Assisted Outpatient Treatment (AOT) programs, as well as a discussion on the role of community health workers in supporting programs focused on persons living with serious mental illness. She also suggested adding consumer-centric topics to assist with education.

Janis Reinken suggested a presentation about strategies for providing funds for MH-BH intervention that would offload some of the need for police department visits at homes or other locations.

Sally Uncapher brought up her desire to hear topics on IDD inpatient recommitment hearings and IDD placement in general. Many other council members agreed with Sally Uncapher and added additional comments such as a discussion on access to State Supported Living Centers and issues concerning competency placements and options.

Krish Gundu suggested sharing a success story concerning placement of a client in a restoration program outside of the LMHA's catchment area. Ms. Gundu raised her concerns regarding the recent publicized case of an incarcerated 17-year-old foster child with IDD who had never had a previous evaluation for IDD.

Council members indicated support for a round table discussion on the complicated topic of incompetency. See also [JCMH Jurist-in-Residence Letter on Competency Restoration](#).

4. Community Diversion Coordinator Pilot Project

Kristi Taylor announced the upcoming Community Diversion Coordinator Pilot Project. Two communities will receive JCMH grants to employ a Community Diversion Coordinator to work on diverting people charged with nonviolent misdemeanors out of the criminal justice system through community collaboration and innovative practices. The two communities will receive training and technical assistance from HHSC. Broader goals of the project include developing the relationship between the criminal and probate courts, having a positive effect on the forensic waitlist, and creating a blueprint for future communities to use. A Request for Applications will be issued within the next two months, and communities interested may begin applying. The Summit will include further discussion on this topic.

Dr. Jennie Simpson indicated that that information we learn from these pilot projects will be

important to Texas communities and individuals on the ground and will also benefit national organizations and growth in other states as Texas continues to emerge as a leader in this field.

5. JCMH Bench Books

Kristi Taylor announced that JCMH is working on [the Texas Mental Health and Intellectual and Development Disabilities Law Bench Book](#) and the [Juvenile Bench Book](#) with more topics to cover in each.

6. Legislative Focus

Kristi Taylor informed the attendees that all the JCMH's legislative proposals were approved by the Texas Judicial Council and are under consideration by different representatives and senators. Detailed information about the legislative proposals can be found in the [September 2020 Texas Judicial Council Criminal Justice Report and Recommendations](#)

Gregory Hansch indicated that [NAMI TX](#) is working on an inpatient commitment criteria bill with the Treatment Advocacy Center.

Lesli Fitzpatrick expressed her desire for Texas to look at diminished mental capacity as a defense to a criminal charge, which is not currently a defense in Texas. Mental illness is not considered until the sentencing phase, and she would like the Commission to raise this issue in a future legislative session. She also announced the [TASC Conference](#).

7. Closing

Justice Bland and **Judge Hervey** closed the meeting and reminded everyone that the Collaborative Council will meet next on May 4, 2021.