

BEXAR COUNTY PUBLIC DEFENDER'S OFFICE

MENTAL HEALTH AND MAGISTRATION: A NEW APPROACH

Judicial Summit on Mental Health
Texas Judicial Commission on Mental Health
November 19, 2019



Shrink Tank

by Verde



Psychsearch.net

“Jails and prisons—mental asylums of the 21st century.”

Jails: Texas' Largest Mental Health Institutions

The Dallas Morning News

January 2019

FOXSanAntonio

OPINION > EDITORIALS

The largest mental-health facility in Texas shouldn't be a jail

Houston's biggest jail wants to shed its reputation as a mental health treatment center

By RENUKA RAYASAM | 07/09/2018 12:25 PM EDT

County Jails Struggle To Treat Mentally Ill Inmates

By EDITOR | SEP 19, 2018



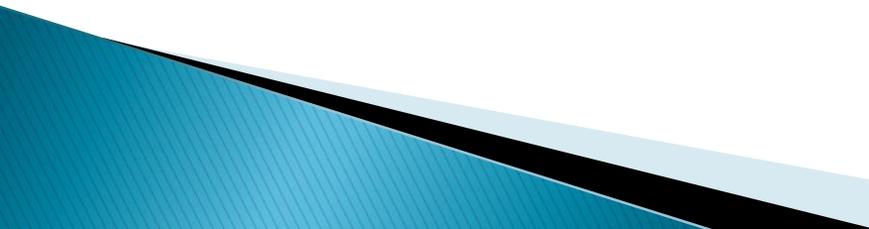
CIVIL RIGHTS
PROJECT

Who We Are Our Work Get Involved Resources Newsroom

What happens when jails are mental health providers



Front door to the jail is controlled by several statutes...

- ▶ Tex. C.C.P. 15.17 Magistration
 - ▶ Tex. C.C.P. 17.03 Personal Bonds
 - ▶ Tex. C.C.P. 17.032 Personal Bonds for MH
 - ▶ Tex. C.C.P. 16.22 Sandra Bland Act
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Providing Defense Counsel at Magistration

- ▶ Prior to 2015 Bexar County was making efforts to comply with 17.032 and 16.22
 - ▶ Out of 11,656 persons with MH issues booked on 125 were diverted
 - ▶ Provide defense counsel at magistration
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Role of Defense Counsel for MH

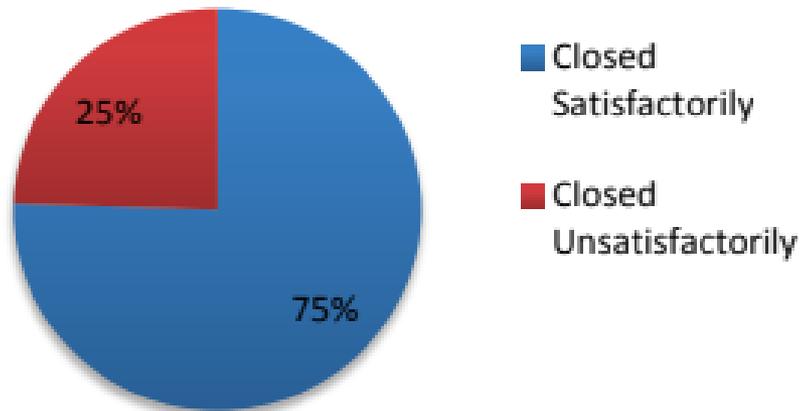
- ▶ Identify persons with MH issues
 - ▶ Coordinate with clinicians to get assessment and alternatives for treatment
 - ▶ Communicate with District Attorney on alternatives
 - ▶ Advocate before the magistrate for release and treatment
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Increase in diversions

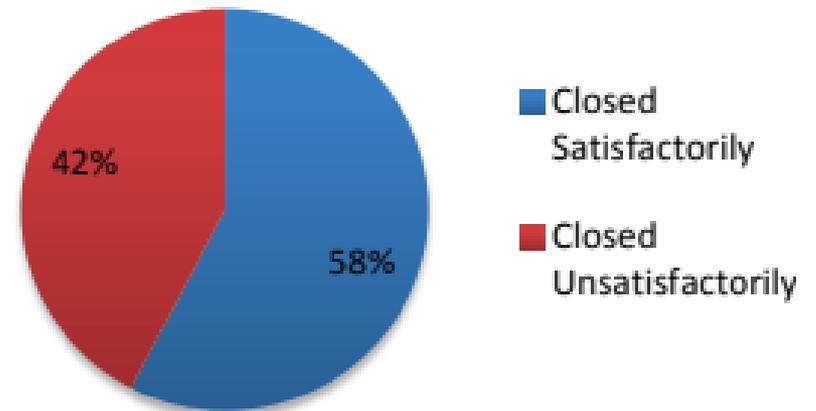
- ▶ Prior to 2015 only 125 persons diverted
 - ▶ For 2019 on track to divert 630 persons from custody
 - ▶ Prior to 2015 diverted 2.4 per week
 - ▶ For 2019 divert 1.72 per day
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Better Outcomes

BCPDO Clients

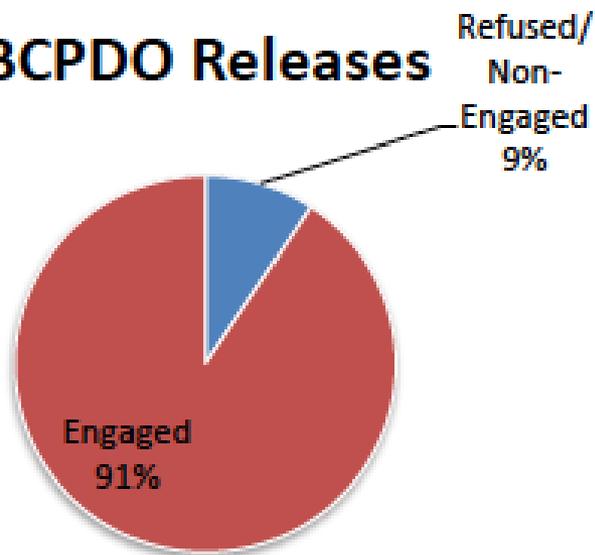


Non-BCPDO Clients

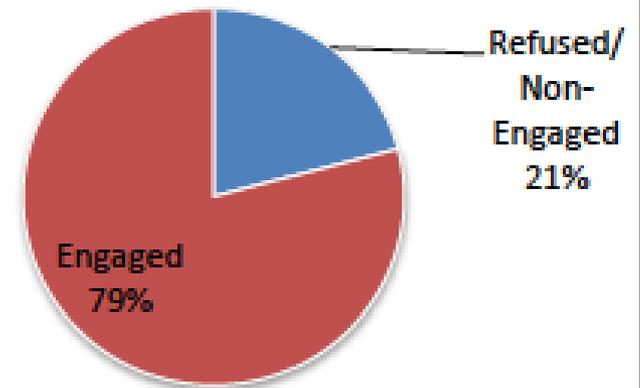


Better Outcomes

BCPDO Releases



Non- BCPDO Releases



County Support

- ▶ In 2015 three (3) Clinicians and three (3) Assistant Public Defenders
- ▶ In 2019 nine (9) Clinicians and nine (9) Assistant Public Defenders

Requirement for Counsel at Magistration?

To conclude, the Court finds that Booth has adequately established a likelihood to prevail under the Sixth Amendment since the Constitution requires representation by counsel at an initial bail-setting hearing.

Booth v. Galveston County, Et.Al.,
18-cv-00104

How to start...

- ▶ Provide Counsel for “some” of population
 - ▶ Leverage existing resources and services
 - ▶ Bring stakeholders together to discuss the problem and offer suggestions
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Thank you...

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