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# **Pretrial Services: Serving People with Behavioral Health Needs in the Justice System**

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Office of Forensic Coordination,  
Texas Health and Human Services**

**April 17th, 2024**

# Agenda

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- Office of Forensic Coordination (OFC) Overview and Introduction to the Sequential Intercept Model (SIM)
- Statement of the Issue
- Pretrial as Part of the Solution
- Defining Mental Health and Mental Illness
- How Diagnosis Happens and How I Can Help
- Best Practices for Working with Local Mental Health and Local Behavioral Health Partners
- State and National Resources



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# Objectives

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- Participants will better understand how pretrial services effect other parts of the criminal justice process.
- Participants will feel more comfortable noting suspected symptoms of mental illness.
- Participants will better understand the role collaboration plays in justice-system improvement.



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# Office of Forensic Coordination

Improve forensic service coordination and prevent and reduce justice involvement for people with mental illness (MI) and substance use disorder (SUD) through statewide and cross-agency initiatives that improve coordination and collaboration among state and local leaders.

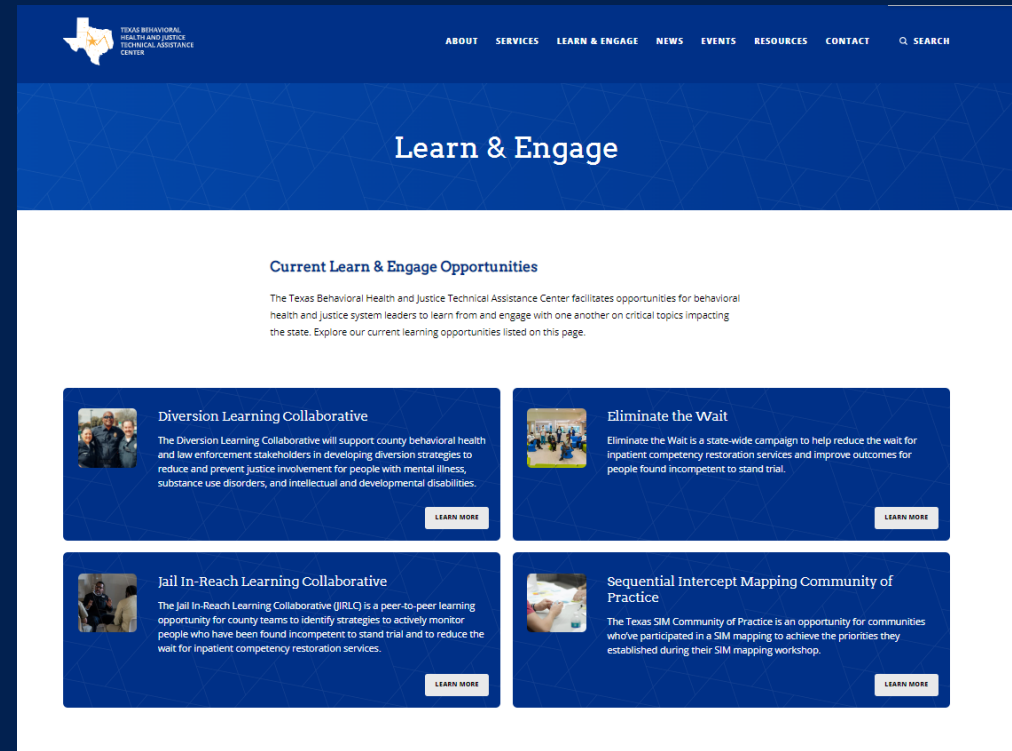


-  State and Local Planning
-  Policy and Staffing for the Joint Committee on Access to Forensic Services
-  Training and Technical Assistance
-  Research and Data Analysis
-  Engagement, Education, and Coordination

# Texas Behavioral Health and Justice Technical Assistance Center



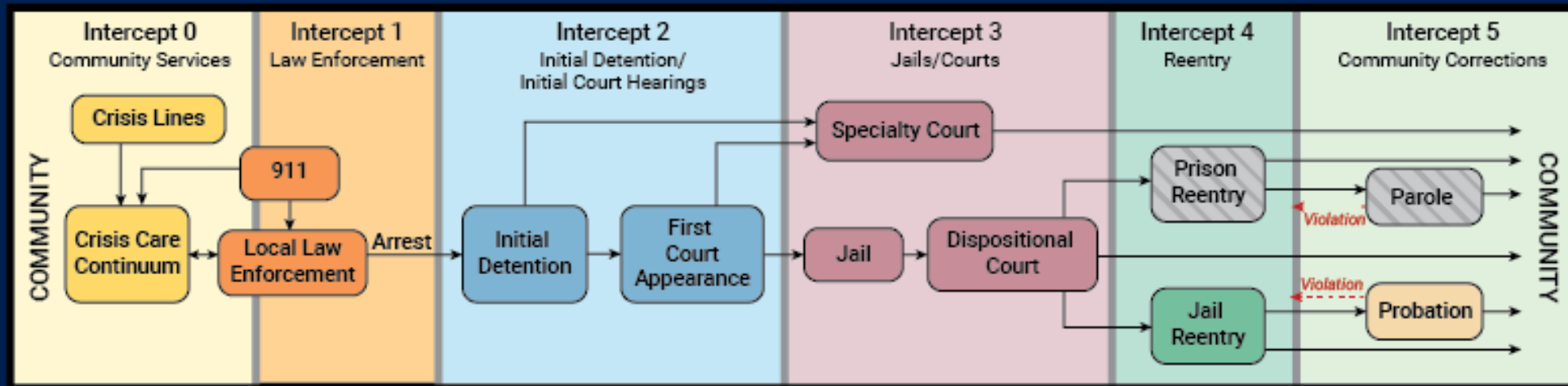
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[www.TXBHJustice.org](http://www.TXBHJustice.org)

# The Sequential Intercept Model

The SIM details how people with MI, SUD, and intellectual and developmental disabilities (IDD) come into contact with and move through the criminal justice system.

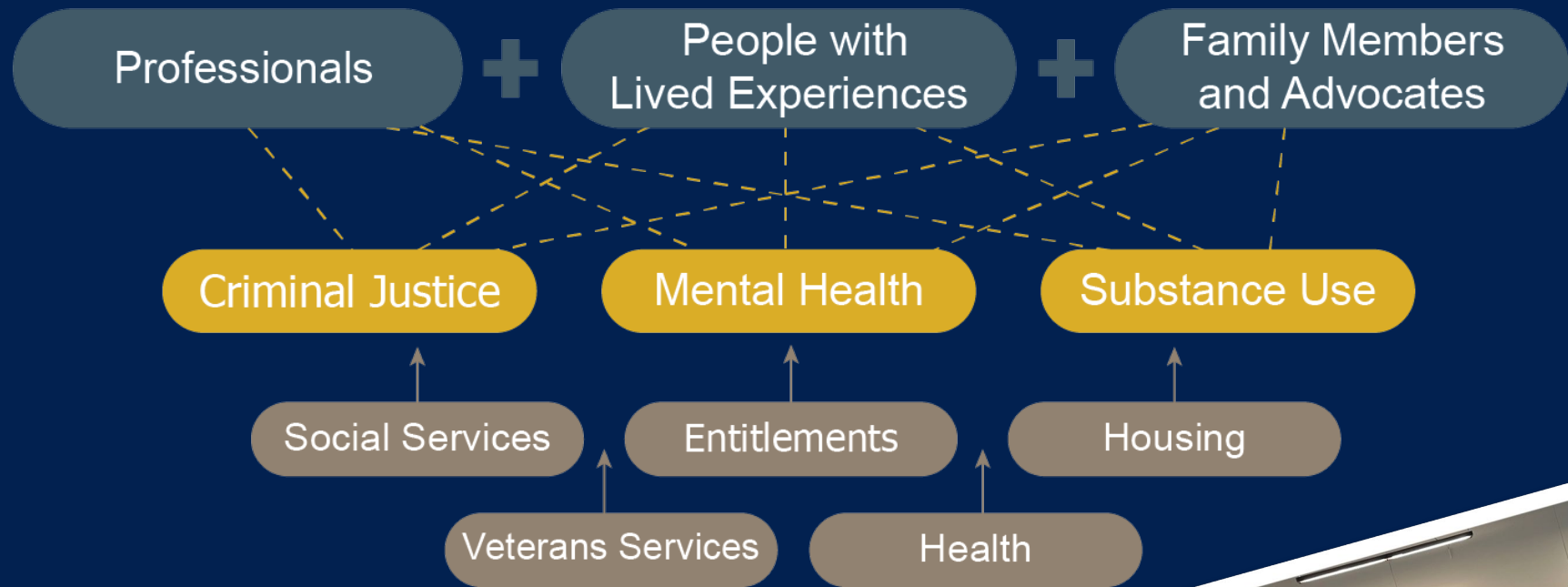


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# SIM Mapping Workshops



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# SIM Mapping Workshops by the Numbers

**19** SIM Mapping Workshops completed

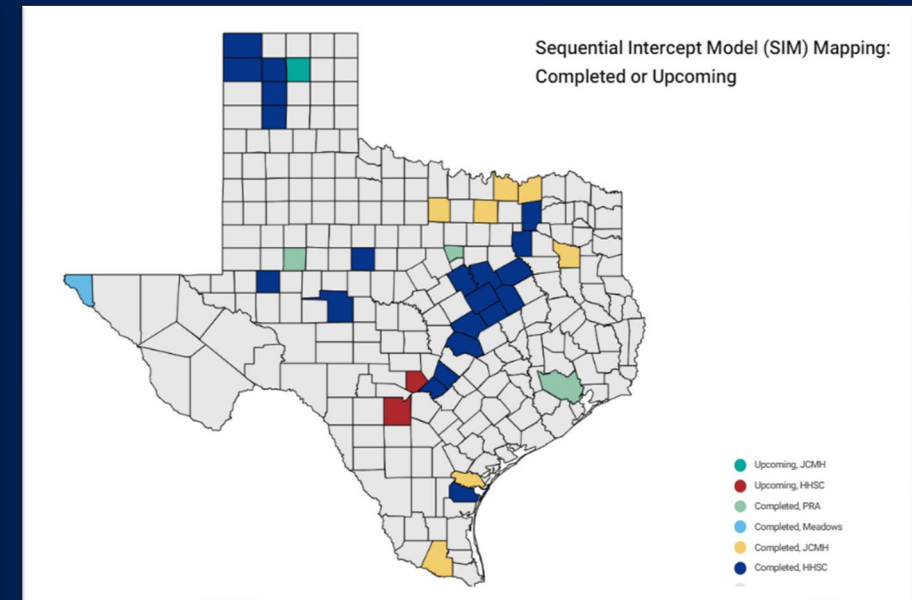
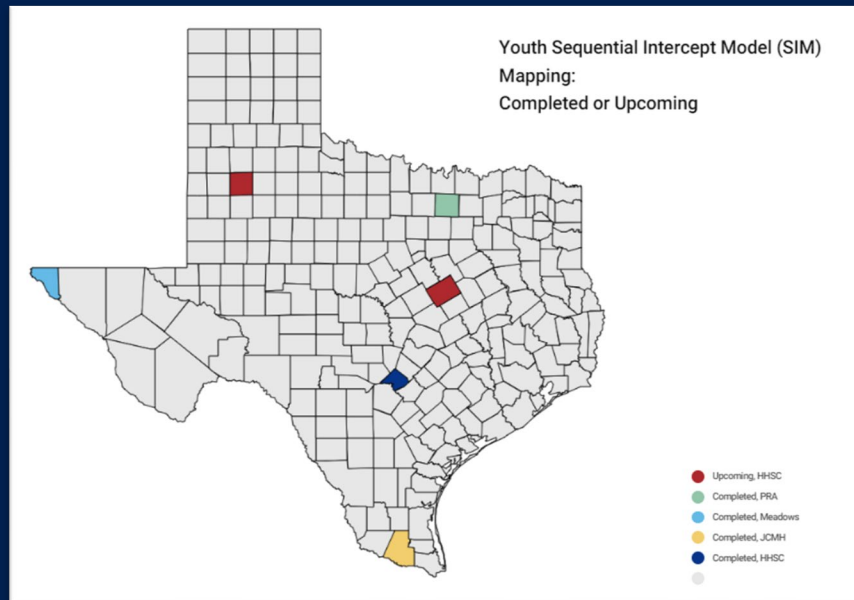
**16** Behavioral health leadership teams created

**22** New programs and initiatives

**28** Counties engaged



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# Increased Incarceration

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*"Due to funding and staffing limitations, many jails and prisons are not able to support continuity of care from and back into the community and many do not have adequate resources to treat serious mental illness. This may result in longer incarcerations; solitary confinement; re-arrest or re-incarceration; and worsened physical health, behavioral health, criminal justice, and social outcomes."*

*-Substance Abuse and Mental Health Services*



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# Mental Illness and Substance Use in Jails

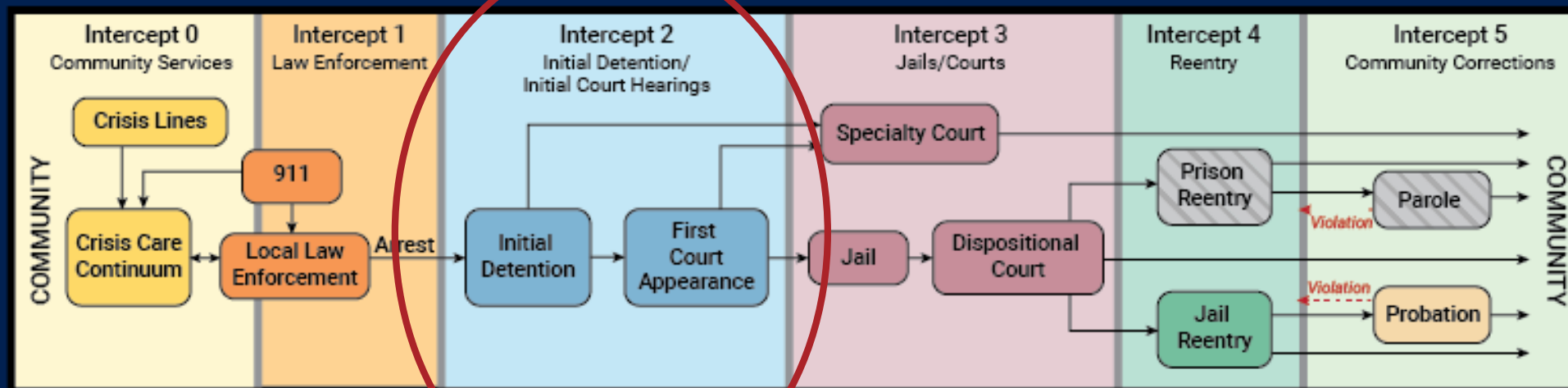
<b>5</b>	Percent of the <b>Texas population</b> has a serious mental illness (SMI).
<b>39</b>	Percent of <b>people booked into Texas county jails</b> who have been in contact with the public mental health system in the last three years.
<b>72</b>	Percent of people with SMI in jail who have a <b>co-occurring substance use disorder</b> (national estimates).
<b>92</b>	<b>Prevalence of trauma</b> (experience of assault or sexual abuse) among people with Serious Mental Illness in Jail (national estimates).



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Sources: Texas Statewide Behavioral Health Strategic Plan  
Texas Law Enforcement Telecommunications System Continuity of Care Query, 2021  
Steadman, Osher, Robbins, Case, & Samuels, 2009; Teplin, 1990  
Teplin, Abram, & McClelland, 1996; Abram, Teplin, & McClelland, 2003

# Pretrial as a Part of the Solution



Pretrial services serve people before and after magistration. Pretrial services help people access care out of jail and can contribute to reducing jail overcrowding while keeping the community safe and vulnerable people safe from harm.



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# Judicial Commission On Mental Health's (JCMH) Pretrial Core Principles (1 of 2)



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- Practices should be fair and evidence-based.
- The practices should address two key goals:
  - ▶ protecting against the risk that the individual will fail to appear for court; and
  - ▶ protecting against risks to the safety to the community or to specific persons.
- Unnecessary pretrial detention should be minimized.



# JCMH Pretrial Core Principles (2 of 2)



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- To make sound decisions about release and detention, judicial officers need to have
  - ▶ reliable information about potential risk posed by release of the individual
  - ▶ confidence that resources are available in the community to address or minimize the risk of nonappearance or danger to the community if the decision is made to release the individual.



# What is Mental Health and Mental Illness?



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Mental *Health*...involves **effective functioning** in daily activities resulting in:

- Productive activities (such as in work, school or caregiving).
- Healthy relationships.
- Ability to adapt to change and cope with adversity.

Mental *Illness*...refers collectively to all diagnosable mental disorders — health conditions involving:

- Significant changes in thinking, emotion and/or behavior.
- **Distress and/or problems functioning** in social, work or family activities

# Words to Know!



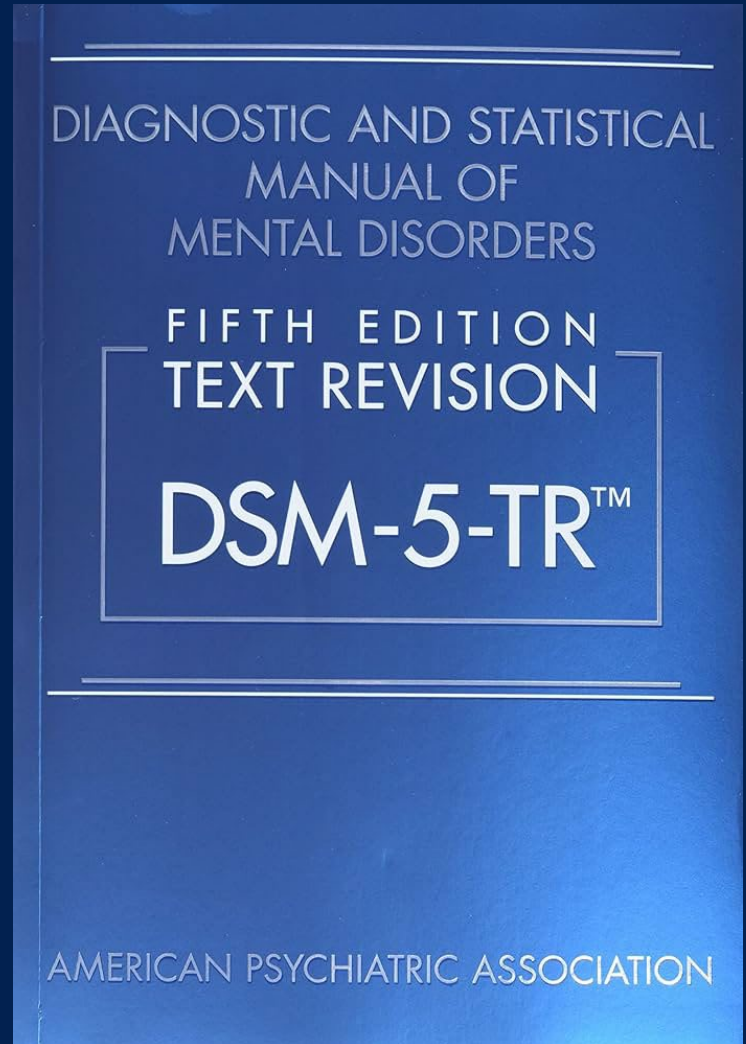
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**Symptoms:** Changes in feelings, behaviors, thoughts and sensations that might be uncomfortable, alarming or lead to worse outcomes

**Diagnosis:** the process of giving a name to a pattern or constellation of symptoms, based off an objective criteria

# Where are the Definitions Found?

- The American Psychiatric Association regularly publishes updated criteria in the Diagnostic and Statistical Manual.
- The American Psychiatric Association holds work groups to modify and change the standards. The criteria change over time.





# Illnesses have Characteristic Symptoms that may Overlap



- *Psychosis* is when an individual loses tether to reality this can mean believing things that are not real (delusions) or hearing, seeing or feeling things that are not real (hallucinations).
- *Mania* is a mental state characterized by euphoria, enthusiasm, high activity and/or recklessness. It is called hypomania in less severe forms. It may also present as agitation.
- Many people experience *negative symptoms* meaning that symptoms relate to what the individual is unable to do

# What Does this Mean for Me?



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- In the context of mental health, behaviors, words and the individual's experience of sensation give us a clue to what's going on.
- We don't have to be psychologists or social workers to notice something.
- Our experiences feeling frustrated with certain people may be a clue that the individual is living with mental illness.
- Supporting people as they seek relief through pharmacology may involve acknowledging the individual's struggles with what can be a long and uncomfortable process.

# What Does this Mean for Me?



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Only qualified people may perform certain mental health assessments and make diagnosis

**BUT**

Anyone can take note behavior they witness or other potential symptoms of mental illness

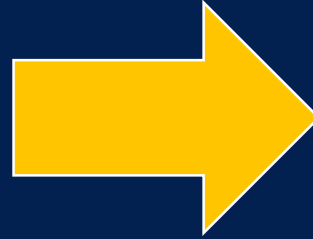
The more information we can appropriately collect and share, the better evaluation and services can become

# Talking about suspected mental health symptoms



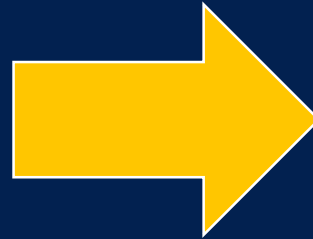
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"refusing to answer my questions"



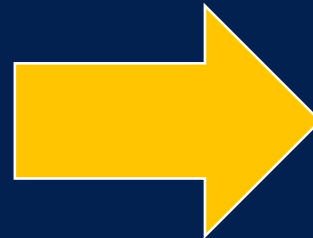
"The person appears unable to speak"

"argumentative and hostile"



"The person appears agitated and unable to understand their surroundings"

"was yelling gibberish at me"



"When asked if they were hungry, the person responded 'ain't no ding dong dang dishes to wash'"



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# Talking about suspected mental health symptoms

Source; National Council for  
Mental Wellbeing



## PERSON-FIRST LANGUAGE

### *Instead of this...*

- Mentally ill
- Crazy/insane/disturbed
- Depressed/schizophrenic
- Manic-depressive
- Addict/junkie/druggie
- Alcoholic
- Ex-addict/clean

### *Try this.*

- Person living with a mental health challenge or use the diagnosis if the person prefers that language (e.g., major depressive disorder)
- Person living with a mental health challenge/trauma
- Person living with depression/schizophrenia
- Person living with bipolar disorder
- Person living with a substance use challenge or disorder
- Person living with an alcohol use challenge or disorder
- Person in recovery



## LANGUAGE THAT FEEDS STEREOTYPES

### *Instead of this...*

- Mental illness
- Drug/alcohol abuse
- Committed suicide
- Failed suicide

### *Try this.*

- Mental health challenge or crisis
- Substance use challenge
- Died by suicide or lost to suicide
- Attempted suicide

# Interacting with People in a Mental Health Crisis (1 of 3)



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- Experiencing mental health symptoms is **STRESSFUL** and **PAINFUL** for many people.
  - ▶ What if someone was out to get you?
  - ▶ Your family?
  - ▶ What if you nobody believed you?
  - ▶ What if you felt out of control of your behaviors?
- Keep in mind that many delusions involve serious issues, and that the person believes them deeply.
- We can always validate feelings and express empathy even if we cannot validate content of what the person is saying.

# Interacting with People in a Mental Health Crisis (2 of 3)



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There is a relationship between stress (emotion) and cognition (ability to think) and memory (ability to recall information).

The conditions of a jail, lock-up, processing center or police car may exacerbate the presentation of mental health symptoms.

Keep your voice calm

Minimize touch

Avoid overreacting

Express concern

No judgement

Offer options

Minimize stimulation

Don't argue facts

Be patient

Avoid intense eye contact

# Interacting with People in a Mental Health Crisis (3 of 3)



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Does your agency have a protocol for ensuring individual and staff safety?

What is the protocol if an individual is in crisis:

- In their home (during a phone or in-person check in)
- In the office
- In the jail (either incarcerated or in processing)
- In court holdover

Consider ways your LMHA/LBHA partner can help you learn more about your local crisis system.



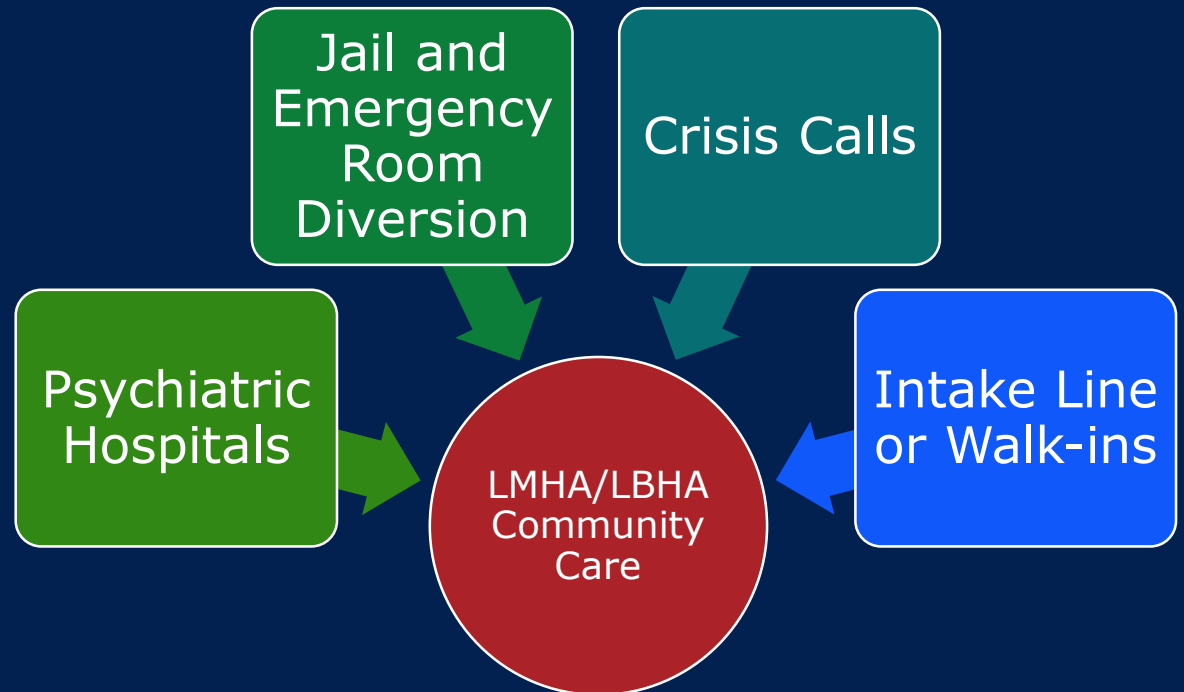
A high-angle, top-down photograph of a group of people standing in a circle on a concrete floor. They are all looking upwards with their arms raised, and their hands are reaching towards the center of the circle. The scene is brightly lit, and the overall mood is one of unity and support. A dark blue rectangular box is superimposed over the center of the image, containing white text.

# **Working with Your LMHA or LBHA**

# What is an LMHA or LBHA?

LMHAs and LBHAs serve as the point of entry for publicly funded, privately funded, or unfunded mental health services for people who are assessed with mental illness in Texas.

## Points of Access



# Find your LMHA and LBHA

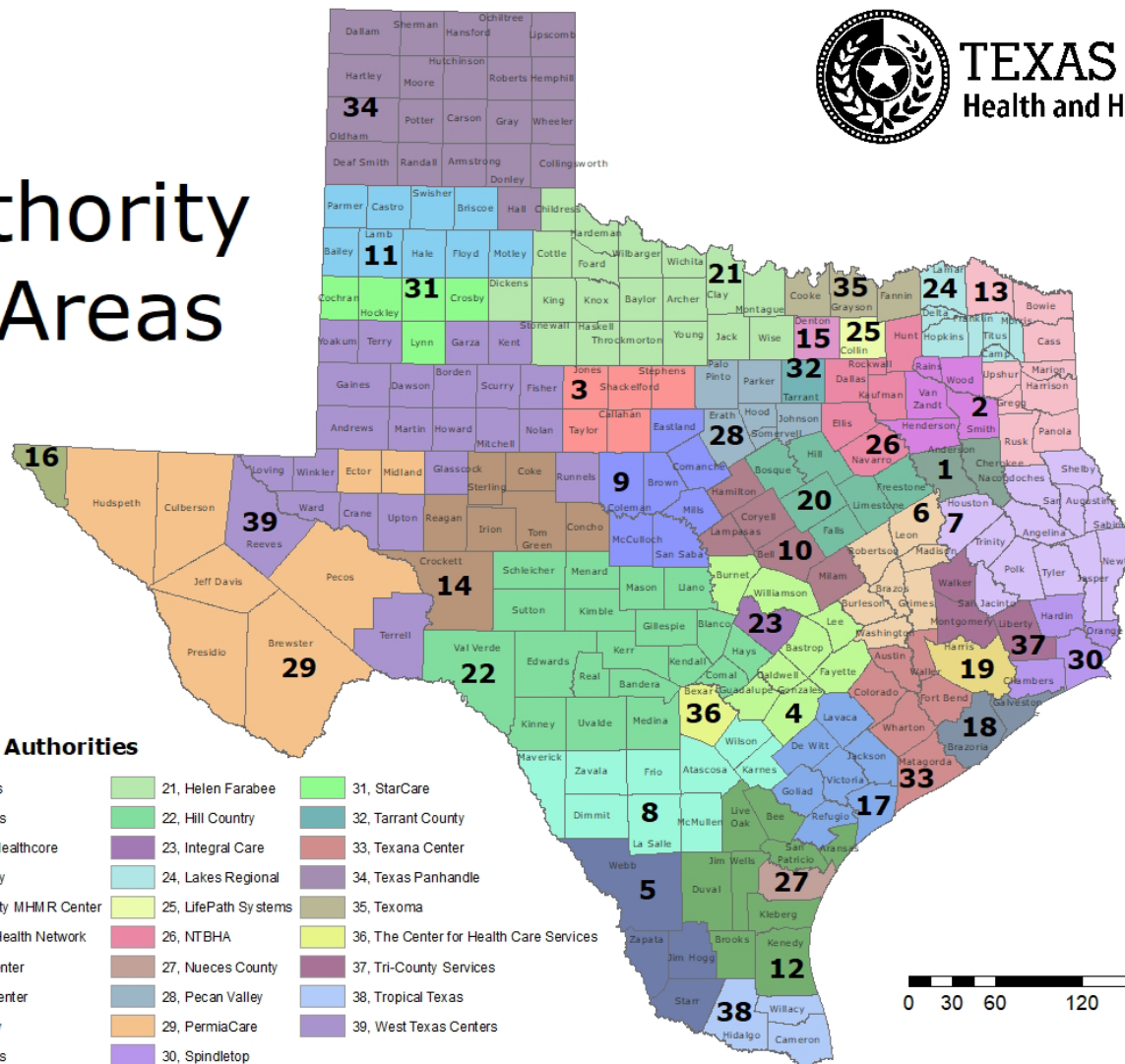


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## Local Authority Service Areas



### Local Mental/Behavioral Health Authorities

1, Access	11, Central Plains	21, Helen Farabee	31, StarCare
2, Andrews Center	12, Coastal Plains	22, Hill Country	32, Tarrant County
3, Betty Hardwick	13, Community Healthcare	23, Integral Care	33, Texana Center
4, Bluebonnet Trails	14, Concho Valley	24, Lakes Regional	34, Texas Panhandle
5, Border Region	15, Denton County MHR Center	25, LifePath Systems	35, Texoma
6, Brazos Valley	16, Emergence Health Network	26, NTBHA	36, The Center for Health Care Services
7, Burke Center	17, Gulf Bend Center	27, Nueces County	37, Tri-County Services
8, Camino Real	18, Gulf Coast Center	28, Pecan Valley	38, Tropical Texas
9, Center for Life Resources	19, Harris County	29, PermianCare	39, West Texas Centers
10, Central Counties	20, Heart of Texas	30, Spindletop	

0 30 60 120 180 240 Miles

March 2022

Source: Behavioral Health Services

# Working with LMHA or LBHA Partners



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- Good communication is necessary at every level, from individual community supervision officers and LMHA or LBHA case managers up to department heads and supervisors
- Working together to create specialized teams that collaborate is an essential facet of ensuring people comply with conditions of release.

# Strategies to Support Information Sharing and Collaboration



- The court, pretrial services and the LMHA or LBHA can work collaboratively to ensure the individual accesses the recommended treatment services and provide updates to the court about compliance.
- The judge can order the individual to sign a release form that allows the LMHA or LBHA to share relevant information with pretrial to support monitoring.
- LMHA and pretrial leaders can work together to establish an update format for the court that is in compliance with Texas regulations around privacy and data sharing.
- Work with local stakeholders to ensure CCP 16.22 reports are completed and shared with appropriate parties.



# State & National Resources

# Texas Behavioral Health and Technical Assistance Center



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Strategic Planning  
Workshops



Learning  
Collaboratives



Tailored County and  
Regional Trainings



State Campaigns and  
Stakeholder Networks



# Diversions and Competency Resources



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**ELIMINATE the**

The Texas Toolkit  
for Rightsizing  
Competency Restoration Services

October 2021



**Texas Competency Restoration Guide**  
September 2023

...on & Competency Work...



Interaction with a person with a mental illness (MI), substance use disorder (SUD), and developmental disability (IDD)...

Individual is booked into jail and Texas Enforcement Telecommunication System (TELETS) Continuity of Care Query (CCQ) is run...

Jail assesses MI and IDD need...

Who conducts the initial screenings? Do screenings for MI, SUD, and IDD? What screening tools are used? If an individual screened positive, what assessments are conducted? If yes, by whom?

Outpatient Civil Commitment (OCC) option...

Mental Health Docket...

Released on MH PR with possible bond conditions...

**Planning for Diversion: A Texas Diversion Center Workbook**



Texas Behavioral Health and Justice Technical Assistance Center  
October 2023

**Six Steps to Establishing a Jail In-Reach Program**



April 2023

**COMPETENCY RESTORATION SERVICES**  
Issue of competency can be raised at any point after charges have been filed. Steps below may apply to individuals who the court has determined are incompetent and likely to restore to competency in the foreseeable future (within timeframe allowed by Subchapter D).

Defendant is committed to appropriate facility for inpatient, jail-based, or outpatient...

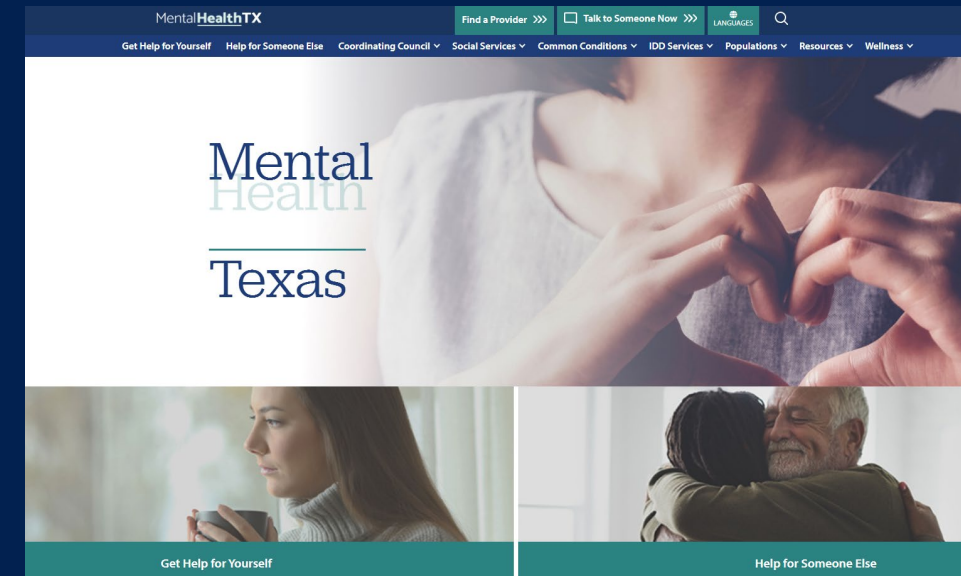
**DATA & INFORMATION SHARING**  
Does your county utilize Health and Safety Code section 144.017 to facilitate information...



# Other State Resources



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# Council of State Governments Justice Center



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**Improving Responses to  
People with Mental Illnesses  
at the Pretrial Stage**

**Essential Elements**

- Collaboration
- Training
- Release and Diversion Options
- Informed Decision Making
- Quick Connection to Appropriate Behavioral Health and Support Services
- Community Supervision
- Performance Measurement and Evaluation

**JUSTICE CENTER**  
THE COUNCIL OF STATE GOVERNMENTS

# Department of Justice Resources



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## **Pretrial Public Safety Risk Assessment Clearinghouse**

<https://bja.ojp.gov/program/psrac/implementation/structured-decision-making/pretrial>

## **Pretrial Services Programs: Responsibilities and Potential**

<https://nij.ojp.gov/library/publications/pretrial-services-programs-responsibilities-and-potential>

## **Examining Alternatives to Incarceration for Veteran's and other Policy Innovation**

<https://nij.ojp.gov/topics/articles/nijs-courts-research-examining-alternatives-incarceration-veterans-and-other-policy>

## **Essentials of Mental Health Courts**

[https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/MHC\\_Essential\\_Elements.pdf](https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/MHC_Essential_Elements.pdf)

# National Institute of Corrections Resources



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## Essential Elements of an Effective Pretrial System and Agency

<https://nicic.gov/resources/nic-library/all-library-items/framework-pretrial-justice-essential-elements-effective>

## A Framework for Evidence-Based Decision Making in State and Local Criminal Justice Systems

• <https://info.nicic.gov/nicrp/node/474>

## Applying Evidence-Based Practices in Pretrial Services

• <https://info.nicic.gov/nicrp/node/259>

## Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field

• <https://info.nicic.gov/nicrp/node/253>

*When appropriate, NIC may also cover the costs of practitioners' visits to another agency to observe effective practices.*



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# Thank you!

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[www.TXBHJustice.org](http://www.TXBHJustice.org)  
[forensicedirector@hhs.Texas.gov](mailto:forensicedirector@hhs.Texas.gov)