

## **Brazos County Committee on Mental Health Court Report**

### **Committee Members**

Tom Marty  
Vice Commander  
American Legion, Department of Texas

Tiffany R. Love, Licensed Clinical Social  
Worker (LCSW)  
Veterans Justice Outreach  
Clinical Social Worker  
Central Texas Veterans Health Care System

Julie Anderson  
Brazos County Health & Wellness

Nathan Wood  
Brazos County Public Defender's Office  
Chief Public Defender

Elizabeth Zwiener  
Brazos County Attorney's Office

Michelle C. Estes  
*Master of International Affairs Candidate,  
Class of 2024*  
Texas A&M University | The Bush School  
of Government and Public Service

Nancy Fahrenwald, Ph.D., RN, PHNA-BC,  
FAAN | Associate Vice President,  
University Health Services, Texas A&M  
Health  
Professor, School of Nursing, Texas A&M  
University

Roy D. Brantley  
Judge County Court of Law 2  
Brazos County, Texas

Jennifer Goerig, Director  
Brazos County Community Supervision and  
Corrections Department

Haley C. Bennett  
U.S. Air Force Veteran  
Graduate Research Assistant, Texas A&M  
University

Robert Reed  
Director of Behavioral Health Operation  
MHMR Authority of Brazos Valley

Heather Huhnke  
Veteran of Foreign Wars Representative.

### **Committee Chairman**

Bentley Nettles  
14<sup>th</sup> Executive Director  
Texas Alcoholic Beverage Commission (R)  
Brigadier General (BRVT) TXARNG (R)

## **Acknowledgements**

I would like to thank all the committee members who spent hours of their time and effort collecting the information presented here and the various officials who generously shared their time and information so that the committee would have the relevant data to present in this report. Finally, I thank the county commissioners for the honor of representing our community on this important issue.

## **Background Information**

According to the National Alliance on Mental Illness (NAMI), there are roughly 2 out of 5 incarcerated persons with mental illness (Mental Health Treatment While Incarcerated, 2023). This concept is further supported by a study from the Department of Justice that states there are as many as 2 million bookings per year of someone with mental illness (Office of Public Affairs, 2009). Mental illness is a medical condition, and medical conditions are best managed through treatment. Jail staff are largely unequipped to manage mental health needs; as many as 63% of those with mental health do not receive mental health care while incarcerated (Mental Health Treatment While Incarcerated, 2023). In contrast, a mental health court diverts those with non-violent offenses out of jail (Linhorst, 2009), connects them to resources, and helps manage the care of those with mental health symptoms. At least 18 other counties in Texas have already established mental health courts, with additional courts coming onboard each year (Texas Specialty Courts, 2019).

A mental health court is required for counties of 200,000, or greater, as per the Texas Government Code (Program in Certain Counties Mandatory, 2021). Brazos County needs to establish a mental health court to comply with the law. Furthermore, Brazos County is uniquely situated between many rural areas and is the largest county between the I-35 corridor and the

greater Houston metroplex. The establishment of a mental health court could further serve those in surrounding rural areas who would otherwise not have access. This state mandate also outlines how to apply for funding to establish the program.

It also allows jail staff to focus on the job for which they are trained – criminal justice. The criminal justice system is ill equipped to handle the complex needs of individuals with mental illness. Many of these individuals cycle in and out of jail, receive inadequate or inappropriate treatment, and are highly at risk of reoffending. This not only creates a significant burden on the criminal justice system but also exacerbates the underlying mental health issues, leading to a cycle of incarceration and recidivism. In Brazos County Jail, there are approximately 100 inmates who require medication daily for mental issues. (SGT Daily, March 2023, personal communication).

### **Mental Health Court Problem Statement**

Many people with mental illnesses encounter the criminal justice system, often resulting in tragic outcomes, ineffective use of law enforcement, court and corrections dollars, failure to link individuals to effective treatment, and lack of improvements to public safety. The prevalence of serious mental illnesses among people entering jails, for example, is estimated to be 16.9% (14.5% of men and 31% of women). The current working definition of a mental health court is a court with a specialized docket for certain defendants with mental illnesses. These courts vary as to the types of charges and mental illness diagnoses accepted, as well as the participants' demographics and plea requirements, but they are united by the common themes of substituting a problem-solving model for traditional criminal court processing and an emphasis on linking defendants to effective treatment and supports. In general, mental health court participants are identified through mental health screening and assessments and voluntarily participate in a judicially supervised treatment plan developed jointly by a team of court staff and mental health professionals. Incentives reward adherence to the treatment plan or other court conditions; non-adherence may be sanctioned, and success or graduation is defined according to

predetermined criteria. Would the creation of this type of court benefit the citizens of Brazos County?

### **Recommendations**

The committee reached a consensus, but not unanimous agreement, that the Brazos County Commissioners should adopt measures to create and fund a mental health treatment court. A mental health court would provide a much-needed solution to the challenges faced by individuals with mental illness who are involved in the criminal justice system. By addressing the underlying issues that contribute to criminal behavior, mental health courts promote public safety, reduce the burden on the criminal justice system, and improve outcomes for participants. Specifically, I recommend a mental health docket handled by an existing court in Brazos County.

A successful program will have both pre-trial diversion and post-plea components because some individuals may not be eligible due to the severity of the offense. A post-conviction program will provide options for these individuals as well. Furthermore, based on feedback from other counties with successful mental health court programs, success will depend on robust support and the participation of the elected prosecutors' offices. By their prosecutorial discretion, prosecutors determine which people charged with criminal offenses are eligible for any specialty court programs in the county. A mental health treatment court can take numerous paths. The committee recommends that a mental health treatment docket be created and assigned to an additional court for administration. One committee member recommended that Brazos County consider creating a regional mental health court to also assist the contiguous counties. Mental health courts operate under a problem-solving court model that emphasizes collaboration between the court, treatment providers, and other stakeholders to address the underlying issues that contribute to criminal behavior.

To achieve greater benefits from the program, prosecutorial discretion should not be overly restrictive in terms of who is admitted and who is refused. We recommend individualized assessments of cases. To achieve the greatest benefit of these tools and resources, it is important to determine the appropriate level of intervention and treatment in each case, rather than take a one-size-fits-all approach to admissions. Other counties report that case-by-case assessments are important, as opposed to bright-line eligibility requirements.

### **Pros of Establishing a Mental Health Court**

- Prosecutors and defenses have a much less adversarial courtroom relationship. These individuals work together as part of an interdisciplinary team focused on recovery and law-abiding behavior (Justice Involved Veteran Program in Texas; Rammunno, 2019).
- Provides access to a broad range of alcohol, drug, mental health, and other related treatment and rehabilitation services (Justice Involved Veteran Program in Texas; Rammunno, 2019).
- The State of Texas offers free training, which is essential to develop shared values, goals, and operating procedures among the veteran administration, justice system, and treatment system components (Justice Involved Veteran Program in Texas).
- Forges partnerships in the community to expand the continuum of services through a system-wide approach (Justice Involved Veteran Program in Texas; Rammunno, 2019).
- There were 31 existing programs in Texas in December 2022, providing an opportunity to access informed peers in the program development (Texas Veterans Commission, 2022).
- Justice-involved veterans are more likely to be at increased risk of suicide ideation and more psychiatric symptoms. The program is important for connecting justice-involved veterans to mental health and substance-use services, thus reducing suicide risk (Holliday et al., 2021).
- Individuals who complete the program are more likely to reintegrate into the community (Hunter, n.d.).

- Programs have the potential to improve quality of life, reduce recidivism, and improve community safety (Baldwin & Hartley, 2022; Rammunno, 2019).
- Because treatment is typically mandatory as part of the mental health court, an individual should get much more help and assistance while in the program, thus reducing the likelihood of re-offending. A retrospective study conducted by McNeil and Binder (2007) concluded that participation in a mental health court program was associated with a longer time without any new criminal charges or new charges for violent crimes. Lowder et al. (2017) concluded that MHC were most effective with respect to jail time and charge outcomes compared with arrest and conviction in studies measuring recidivism after MHC exit rather than entry.
- MHMR currently has a consistent presence in the local justice system, working alongside courts, defense bars, the state, and probations to provide treatment alternatives to incarceration with some success. Having a specialized coordinated court tailored to the needs of individuals with serious and persistent mental health diagnoses should increase successful outcomes for the individual, but also decrease criminal justice contact with the individual, including crisis contacts and psychiatric hospital transports.
- The number of individuals with a mental illness currently interacting with the local jail would suggest the need for a mental health court.
- These courts have been shown to be effective in other Texas jurisdictions by reducing recidivism and improving outcomes for participants, as well as promoting public safety and reducing the burden on the criminal justice system.
- Benefits of a mental health court. Establishing a mental health court in Brazos County would have several benefits, including:
  - Improved outcomes for participants: Mental health courts have been shown to be effective in reducing recidivism rates among participants. By addressing the underlying mental health issues, mental health courts help participants break the cycle of incarceration and reoffending.
  - More appropriate treatment: Mental health courts provide participants with access to a range of services, including mental health treatment, substance use treatment, and supportive services. This ensures that participants receive the treatment and

support they need to address their underlying issues and avoid future involvement with the criminal justice system.

• **Reduced burden on the criminal justice system:** By diverting individuals with mental health and substance use disorders into treatment instead of incarceration, mental health courts reduce the burden on the criminal justice system. This allows resources to be focused on addressing more serious criminal behavior and promoting public safety.

• **Cost savings:** Mental health courts have been shown to be cost effective, with savings in jail and prison costs, reduced recidivism rates, and improved health outcomes for participants.

### **Cons of Establishing a Mental Health Court**

- Sustainability of grant funding is a concern as it is with most other public service projects.
- Existing programs vary in their eligibility criteria, application of sanctions, use of incentives, and characteristics of mentors, making the translation of success difficult to compare across programs (Baldwin & Hartley, 2022).
- There is a limited amount of empirical research on the outcomes (Baldwin & Hartley, 2022).
- Being in a mental health shortage area, all services the individual might need may not be immediately available, which could result in services being delayed and/or the individual spending more time in a mental health court and/or becoming more of a risk for criminal justice involvement.
- This program would be labor intensive during its establishment and during the grant solicitation process; this will require careful oversight in assembling a qualified mental health care team to serve participants.
- Additionally, the assigned judge, and other judicial staff will need to be trained in addressing mental health needs.
- MHC and the services it provides reduce recidivism for at least 2 years and improve the quality of life for those with mental illness (Marlowe, 2016).

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