

CONSENSUS RECOMMENDATIONS

ON FORENSIC SERVICES IN TEXAS

Consensus recommendations were developed from the October 27th 2020 *Leadership Convening on State Forensic Services* hosted by the Hogg Foundation for Mental Health.

This meeting convened key stakeholders on forensic services and discussed converging strategies identified by: the Joint Committee on Access and Forensic Services, the Judicial Commission on Mental Health, and the Redesign Committees for the Austin and San Antonio State Hospitals. Recommendations centered around enhancing statewide coordination of forensic services, use of data that drives decision making, and diversion of individuals with behavioral health needs from criminal justice system. These themes and associated recommendations and strategies are aligned with current research, best practices, and national consensus.

CONSENSUS RECOMMENDATIONS

1. The Texas Health and Human Services Commission (HHSC) is best positioned to foster multi-system coordination and collaboration that addresses the behavioral health needs of Texans in contact with the criminal justice system. Resources are required for an effective centralized Office of Forensic Services within HHSC to coordinate and oversee forensic services.
2. Data are integral to guiding effective solutions, quality improvement, coordination, and oversight of forensic services. Data on programs and services for justice-involved populations require coordination and evaluation. Public sector and academic partnerships are strengths from which to drive innovation in data analyses and policy development. The Office of Forensic Services should be charged with the development of processes for data aggregation and data sharing to support quality improvement and program effectiveness.
3. To avoid the unnecessary criminalization of individuals with behavioral health needs, funding should be appropriated to support diversion and reentry programs that prevent justice involvement and reduce recidivism.

WHY FOCUS ON STATEWIDE COORDINATION, DATA, AND DIVERSION?

Texans are losing access to state hospital inpatient psychiatric care because of the crisis in forensic commitments. **Over 1,300 individuals are waiting in county jails for inpatient competency restoration services as of November 2020.** Most individuals will wait months, and some may wait over a year.

The number of Texans with significant **behavioral health needs is exceeding the workforce and budgetary capacity** for local jails to deliver adequate care. State-funded capacity for inpatient and community-based behavioral health services for justice-involved and forensic individuals exceeds demand.

Statewide Coordination: Nationwide, states have invested in the creation of centralized offices of forensic services that reduce silos and duplication, ensure efficient operations and sound policy, and provide responsible steward of public funds. S.B. 1507, 84th Legislature, Regular Session, 2015 established the position of a Forensic Director for HHSC. Authorization of an Office of Forensic Services will be necessary to realize the vision of state coordination of programs and services for justice-involved and forensic populations.

Data: States' innovative use of data analytics are solving complex policy issues, improving service delivery, and managing limited resources. Data must drive decision making to ensure fiscal responsibility, hold state agencies accountable in their management and operations, and provide transparency to taxpayers and citizens. Mandating public availability of data on programs and services for justice-involved populations will enhance accountability to taxpayers.

Diversion: Diversion at the earliest possible opportunity to appropriate treatment services is recognized as the best practice for ensuring optimal clinical outcomes and unnecessary incarceration. Texas legislators have supported diversion programs through pilot and grant programs, including the Mental Health Grant Program for Justice Involved Individuals (Senate Bill 292, 85th Texas Legislature, 2017). Ongoing appropriations for community diversion programming increases the number of communities across the state able to adopt this best practice.