

**Texas Indigent Defense Commission
FY 2013 Discretionary Grant**

Program Title: Collin County Mental Health Managed Counsel Program

Estimated Program Cost: \$313,468

Estimated Grant Funding: \$250,774

Estimated County Cash Match: \$62,694

Introduction

The Collin County Mental Health Managed Counsel (MHMC) program will improve the quality of representation to indigent defendants with mental illnesses. Through a contracted nonprofit agency, the program will promptly assign counsel with specialized knowledge in mental health defense, streamline coordination of defendant competency restoration or stabilization, and provide case workers to assist attorneys through mental health case management, mitigation strategy assistance, and defendant advocacy. The aim of the program is to seek systemic solutions to get and keep mentally ill defendants out of the criminal justice system.

Problem Statement

Incidence of individuals with serious mental illness within the criminal justice system (10-15%) is disproportionately high compared with mental illness incidence of 2% in the general population.¹ Many of these persons tend to be indigent and do not have access to or the ability to navigate the fragmented mental health services infrastructure, resulting in increased contact with law enforcement and incarceration. The current system does not have the ability to adequately address their needs, and as a result, mentally ill inmates tend to remain in custody longer. In 2010, the average length of stay (ALOS) for a general population inmate was 49.7 days, while a mentally ill inmate stayed 430% longer at 213.9 days. And while the ALOS decreased in 2011 for all inmates, mentally ill inmates still stayed 427% longer (40.3 days versus 172.2 days).²

The Collin County District and County Court at Law judges recognized the delay in processing inmates diagnosed with mental health disorders caused by ineffective counsel and lengthy competency restoration. Many mental health inmates require court-appointed counsel, but many attorneys do not have specialized training in mental health defense. These attorneys do not have the knowledge to properly support these defendants and are not aware of treatment or community-based social services to help stabilize their clients' conditions.

Additionally, attorney assignment and trial scheduling can be a time consuming process. The jail currently contracts with mental health professionals who see clients to conduct mental health assessments. Following diagnosis, the Jail Case Coordinator sends a list of mental health inmates to the Court Coordinator for attorney assignment and trial scheduling; this process can take up to a week. In a number of cases, a trial cannot be scheduled until the person is deemed competent. Unfortunately, competency restoration does not start at incarceration. Incompetent inmates wait and are transported to a state hospital to be restored, taking several weeks to months. In some cases, jail may exacerbate existing mental health illness causing stable inmates to lose competency; they must then go through the restoration process prior to standing trial.

The current resources only allow a patchwork solution and fail to address the need for specially-trained counsel. The Collin County Mental Health Managed Counsel (MHMC) program will streamline the process from booking to trial and ensure due process, delivery of effective and speedy representation, and needed mental health services for competency restoration or stabilization.

1. Watson A, Hanrahan P, et al: Mental health courts and the complex issue of mentally ill offenders. *Psychiatric Services* 52:477-481, 2001.
2. Collin County Jail Statistics.

Objectives

Goal: Implement Collin County Mental Health Managed Counsel program

Objectives

- Establish an oversight board by November 1, 2012
- Select nonprofit entity to coordinate program by March 1, 2013
- Complete program policies and procedures and obtain oversight board approval by May 1, 2013
- Begin representing adult and juvenile Axis I and II mental health clients by July 1, 2013
- Ensure availability of specialized attorneys for people with mental health diagnosis by July 1, 2013

Goal: Improve timeliness and quality of defense counsel for indigent mental health defendants

Objectives

- Screen individuals entering the jail for indigent and mental health status within 24 hours of booking
- Assign MHMC-associated specialized attorney within 24 hours of receiving screening information from the jail
- Make contact, in person or by videoconference, between client and attorney within 24 hours of assignment
- Make contact between client and MHMC case workers within 48 hours of assignment
- Communicate client mental health assessment/needs to assigned counsel within 48 hours of meeting with client
- Coordinate with jail-contractors to develop treatment plan and begin competency restoration within one week
- Increase the number of case dismissals for nonviolent defendants with mental illness by 15%
- Decrease average length of stay for mental health defendants by 35% within 12 months of program inception

Activities

The Collin County Mental Health Managed Counsel (MHMC) program will be responsible for assignment and oversight of defense counsel appointments for mentally ill offenders.

Implementation

1. Establish oversight board

An oversight board will be created representing Commissioners Court, the District and County Court-at-Law Judges and Court Administration, outside mental health professionals, criminal defense attorneys, and the Sheriff's Office. This board will provide program recommendations and oversight concerning the establishment and operation of the MHMC program, including approving the policies and procedures and staff job descriptions. The Collin County Local Administrative Judges will coordinate initiation of the board with the Collin County Commissioners Court. Representatives from various departments and disciplines will be invited to participate and members will develop a clear scope of work to clarify the extent and limits of the board's authority.

2. Contract with nonprofit entity to operate MHMC program

The oversight board will coordinate with the Collin County Purchasing Department to develop a request for proposal to solicit nonprofit organizations to provide a managed defense attorney program per Article 26.047, Code of Criminal Procedure, including attorneys and social case management, for adult and juvenile misdemeanor and felony offenders diagnosed with Axis I or Axis II mental health disorders. The RFP will be conducted in accordance with Texas Local Government Code Chapter 262. After the RFP is awarded, the contractor will work with the oversight board to create job descriptions and hire staff for each position. The following staff will be needed:

- Program Administrator/Attorney with specialized knowledge to provide quality defense for mentally ill inmates and ability to oversee and administer the program including case workers, as well as other contracted specialized attorneys

- Case workers (2) to provide case management and mental health services for defendants including referrals for mental health and/or substance abuse treatment; assistance with housing, education, and employment; mitigation strategy determination; defendant advocacy; and follow-up on an as-needed basis for several months following disposition
- Administrative support person

Concurrently with staff hiring, the contractor will set up office space at the Collin County Courthouse including

- remodeling of office and/or cubicle space as required
- furnishing employees with desks; chairs; filing cabinets; office phones; computers, monitors, docking stations, software, and peripheral accessories; office supplies; waste baskets; dry erase boards; desk top organizers; and other miscellaneous start up supplies
- furnishing the program with a copier, fax machine, paper shredder, waste baskets, office supplies, and other miscellaneous supplies

The Program Administrator/Attorney, in conjunction with the contractor and oversight board, will create program policies and procedures to include caseload standards, referral and intake processes, priority criteria for cases, and fee schedules. Additionally, these policies and procedures will set standards for external program attorneys to be assigned to mental health cases through the MHMC office. The standards established for mental health attorneys will include performance monitoring, annual training, and evaluation requirements.

The contractor will submit monthly and quarterly reports to the oversight board to ensure the contractor is fulfilling the statement of work. The MHMC program contractor will be required to submit the necessary evaluation data (below) along with a narrative detailing programmatic challenges and successes.

3. Contract with independent evaluator

The oversight board will coordinate with the Collin County Purchasing Department to develop a request for proposal (RFP) to solicit an independent contractor to annually evaluate the MHMC program including its processes, objectives, performance, and cost effectiveness. The RFP will be conducted in accordance with Texas Local Government Code Chapter 262.

Operation

1. Determine mental health and indigent status

During intake at the Collin County Jail, triage will be performed by a contracted EMT and LVN, who will flag potential mental health cases and set up a consultation with a Correctional Counselor within 24 hours. If necessary, the inmate will see the jail-contracted psychiatrist/psychologist for a full mental health assessment and diagnosis within the first week of incarceration. Additionally, when a person is booked in, a query will be created between the existing TLETS and the Clinical Management for Behavior Health Services (CMBHS) software interface to determine if there is a documented history of mental health illness. If the defendant indicates they want court-appointed counsel, they must complete an affidavit of indigence, which will be forwarded to the MHMC program for eligibility determination.

2. Assign counsel and mental health professional(s)

Once the MHMC program determines indigent and mental health eligibility, the Program Administrator/Attorney will prioritize cases and assign a specialized mental health attorney and MHMC case workers within 24 hours. The attorney should make contact with the client, in person or by videoconference, within 24 hours of assignment.

The MHMC case workers will monitor and support the case progression while fulfilling the client's mental health service needs. These mental health professionals should meet with the client within 48 hours of assignment and communicate mental health assessment and any other necessary information to the attorney within 48 hours of meeting client. The case workers will gather information for the defense counsel regarding the medical, psychological, and psychiatric history of the defendant; provide defendant advocacy; and assist with referrals and resources for the client. Attorneys cannot effectively consult with mentally-impaired clients until competency restoration has begun; however, they do not have the time or the expertise to design a plan for treatment. If the client is determined to be incompetent, the caseworkers will work with the evaluating psychiatrist/psychologist to formulate a treatment plan to begin immediate competency restoration.

The early identification of mentally ill inmates and timely appointment of attorneys with the specialized knowledge needed to defend them will provide equal access to justice. The mental health history developed by the caseworkers can assist the defense counsel in bond reduction, mitigation strategy development, and Court education regarding the challenges facing the client. Additionally, caseworkers will monitor and ensure immediate competency restoration and effective treatment plan administration, shortening the time from booking to trial. The MHMC program will streamline, improve, and expedite the mental health indigent defense process and reduce the average length of stay.

3. Coordinate a courts mental health program

To improve inmate competency and coordination of hearings, all cases involving mental health inmates will go to the 366th District Court, County Court at Law #3, or other designated court Judge who will hold a competency docket bi-weekly. These dockets will include mental health specialists, attorneys, case workers, and psychiatrist/psychologist discussing the priority of cases, competency orders, results of exams, and the progress of treatment and services. This court program will track and review cases until the inmate is competent to stand trial, at which time the case will be returned to the originally-assigned district or county court. Timely scheduling will ensure defendants do not return to incompetent status while awaiting trial, which currently happens because of a lack of coordination.

4. Oversee MHMC program administration

The Program Administrator or the contractor will provide monthly, quarterly, and annual written status reports to update the oversight board with current statistics and data, program challenges and successes, and any upcoming activities or concerns. The MHMC program will also submit required reports to the Texas Indigent Defense Commission as required by the grant. These reports will ensure the contractor is fulfilling the statement of work and operating as intended. In addition to program reporting, the contractor or Program Administrator will evaluate caseloads for the mental health professionals, monitor attorney eligibility and representation levels, and approve pay requests for submission to court.

5. Conduct annual survey of judges and clients

The MHMC program will create a survey for the District and County Court at Law Judges to evaluate the quality of attorney representation for mentally ill indigent defendants. This survey should be conducted before the MHMC program begins representing clients and annually thereafter. Additionally, the program should also create a survey/evaluation form to gauge overall program satisfaction for the clients/defendants. Results should be compiled annually and compared with the previous year.

Evaluation

Activity	Definition	Measurement
Establish oversight board	Representatives to include Commissioners Court, District and County Court-at-Law Judges, Criminal Defense Attorney, Sheriff's Office, outside mental health vendor, and others as necessary	Date of orders establishing board
		Date of first meeting of board
Select nonprofit contractor	In accordance with Texas Local Government Code Chapter 262	Date RFP issued
		Date RFP awarded
Complete policies and procedures	Manual to identify office procedures, office function, and staff roles	Date approved by oversight board
Begin representation	Reception of court referral	Date first client(s) screening information received
Ensure specialized attorney availability	Trained and certified for mental health defense	Date trained attorneys are secured for assignments
Outputs	Definition	Measurement
Status screening at jail	Number inmates screened within 24 hours/Total number inmates	% of individuals screened within 24 hours of booking
Time from receiving screening information to counsel assignment	Sum of date and time of assignment minus date and time of referral received/Total assignments	Average time (hours) from referral to counsel assignment
	Number assignments made within 24 hours/Total assignments	% of clients assigned counsel within 24 hours
Time from appointment to first contact with client	Sum of date and time of first contact minus date and time of assignment/Total contacts	Average time (hours) from assignment to contact
	Number contacts made within 24 hours/Total contacts	% of initial contacts within 24 hours of assignment
Time from appointment to mental health professional contact	Sum of date and time of mental health contact minus date and time of assignment/Total contacts	Average time (hours) from assignment to contact
	Number contacts made within 48 hours/Total contacts	% of initial contacts within 48 hours of assignment
Time from mental health professional contact to information sharing with attorney	Sum of date and time of attorney communication minus date and time of mental health contact/Total communications	Average time (hours) from contact to communication with attorney
	Number communications made within 48 hours/Total communications	% of cases coordinated within 48 hours of assignment
Program caseload	Persons screened/assessed for program	# persons screened/assessed by mental health services
	Persons entering program during month	# persons referred to program
	Total persons receiving services by offense type and DSM Axis	# persons receiving attorney services # persons receiving mental health services
	Cases closed during month	# cases closed
Attorney caseload	Active cases on last day of month	# active cases
	Cases closed during month	# closed cases
	Total man hours for all attorneys	Total man hours

Outcomes	Definition	Measurement
Reduce average length of stay by 35%	Date released minus date incarcerated	Length of time (days) incarcerated
	Date case resolved minus date incarcerated	Length of time (days) between arrest and case resolution
Increase case dismissals for nonviolent offenders by 15%	Type of disposition in each case assigned to the MHMC program	# of dismissals
		# of guilty pleas pursuant to plea agreement
		# of open pleas of guilt to jury
		# of jury trials on guilt/innocence and punishment

Future Funding

Over the four year grant period, Collin County expects to utilize mental health professionals and specialized attorneys to expedite case processing, resulting in decreased jail time for program clients. If successfully implemented and proven effective, Collin County will make a good faith effort to continue funding the program at expiration of the grant period.

Budget and Budget Narrative

Item	Description	Grant Funding
<i>Personnel</i>		\$ -
<i>Fringes</i>		\$ -
<i>Travel</i>		\$ -
<i>Contract Services</i>		\$ 282,755.00
MHMC Program	Provide mental health managed defense program	\$257,755
Program Administrator/Attorney	\$90,000 + \$23,840 benefits	\$113,840
Case Worker	\$40,000 + \$10,600 benefits; x2	\$101,200
Administrative Support	\$31,000 + \$8,215 benefits	\$39,215
Travel	\$0.555/mile; 2252 miles	\$1,250
Training	Staff training	\$2,250
Program Evaluation	Annual evaluation by independent contractor	\$25,000
<i>Equipment</i>		\$ 30,213.00
Computers	Laptops, 4 @ \$2,100	\$8,400
Computer Software	Necessary software, 4 @ 500	\$2,000
Computer Peripherals	Monitor @ \$150, docking station @ \$155 for Admin	\$305
Printer	County standard, 2 @ \$875	\$1,750
Scanner	County standard, 1 @ \$1000	\$1,000
Copier	County standard, 1 @ \$1500	\$1,500
Fax Machine	County standard, 1 @ \$750	\$750
Desk, U-shape	County standard, 1 @ \$1890	\$1,890
Desk, L-shape	County standard, 2 @ \$1775	\$3,550
Desk Chairs	County standard, 4 @ \$335	\$1,340
Client Chairs	County standard, 4 @ \$167	\$668
Panel (divider)	County standard, 1 @ \$988 for case workers' office	\$988
Filing Cabinets, 4 drawer lateral	County standard, 6 @ \$400	\$2,400
Office Phones, Cisco model 7962	County standard, 4 @ \$485	\$1,940
One-time Office Supplies	Shredder; waste baskets x4; dry erase boards x3; desktop organizers x4; staplers, hole punch, scissors, tape dispensers, etc. x4	\$1,732
<i>Supplies</i>		\$ 500.00
Recurring Office Supplies	Staples, Tape, Rubber Bands, Pens, Folders, Clips, Paper, etc.; 4 @ \$125	\$500
		\$ 313,468.00

Contract Services

A non-profit organization will be contracted to administer the Collin County Mental Health Managed Counsel program. The contractor will need to hire or contract the following staff to accomplish program objectives: Program Administrator/Attorney, 2 Case Workers, and an Administrative Support person. Additionally, monies have been included for staff training and to travel to/from the jail, social service organizations, hearings, etc.

A second outside contractor will be contracted to perform an impartial annual evaluation of the MHMC program's effectiveness and performance. Likely respondents will include institutions of higher education.

Both contracts will be annually reoccurring.

Equipment

Provision of necessary office equipment and furnishing for the program staff will be a one-time cost. Items include computers, software, and peripherals; desks, chairs, and filing cabinets; essential program equipment; and basic office and desk supplies. Office/cubicle space will be provided for all program staff at the Collin County Courthouse.

Supplies

Reoccurring office supplies including paper, folders, pens, staples, paper clips, and miscellaneous items were calculated at \$125 per program staff member.