



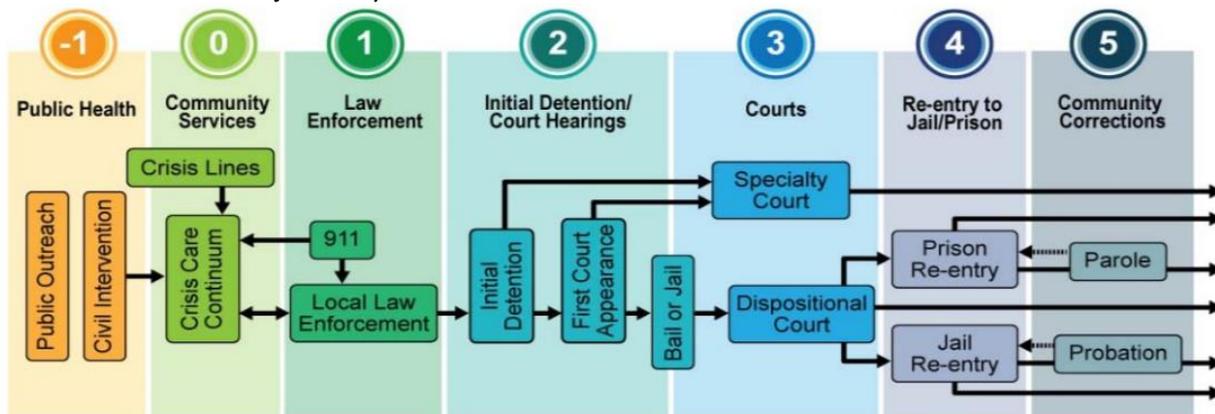
Hogg Foundation for Mental Health

House County Affairs Committee
Request for Information
November 12, 2020

Charge #3 – Examine the frequency of arrests and incarceration of people with behavioral health needs in county jails.

The Hogg Foundation for Mental Health applauds the Committee on County Affairs for focusing on justice-involved individuals with mental health or substance use conditions. In addition to reducing exclusionary discipline practices on youth in Texas schools, we encourage the committee to utilize the Sequential Intercept Model (SIM) to divert people with mental health conditions away from county jails.

The SIM was developed as an informative model for multi-system responses to people with mental health or co-occurring substance use disorders who are involved in the criminal justice system.¹ Since its development in the early 2000s, the SIM has been widely accepted nationally as well as in Texas.² Within the model, there are multiple touchpoints for a person with a mental health condition to engage prior to entering into the criminal justice system, while they are in the criminal justice system, and as they reintegrate back into the community. The SIM helps connect people with mental health conditions to the right care.³ The Substance Abuse and Mental Health Services Administration promotes the SIM as a way to organize prison and jail diversion strategies.⁴ The figure below illustrates key intercept points where people with mental health or substance use conditions encounter the criminal justice system.



Focusing on youth at risk is vital to reducing future criminal justice involvement. Punitive discipline negatively affects students' senses of safety, well-being, and abilities to learn.⁵ Further, research shows that exclusionary discipline increases the likelihood of lowered academic performance, dropping out, and antisocial behavior.^{6,7} School exclusion is a central element in the school-to-prison pipeline. Evidence proves a strong relationship between exclusionary discipline and academic failure, arrest, juvenile justice system involvement, criminal justice system involvement, and incarceration.^{8,9,10,11,12,13}

Lack of access to behavioral health supports can have a serious and lasting impact across all areas of a child's life. Leaving children and their families without support and services contributes to school drop-outs, unemployment,

and potential involvement with the juvenile or criminal justice systems.¹⁴ Texas should work to ensure timely and affordable access to services and supports to those living with substance use conditions. According to HHSC, for every \$1 invested in treatment, a \$4 to \$7 return is yielded in reduced drug-related crime, criminal justice costs, and theft.¹⁵ When considering cost savings related to healthcare, total savings can exceed costs by a ratio of 12:1.¹⁶ Utilizing the criminal justice or hospital systems to address substance use simply does not work. Our recommendations move the state toward more effective substance use treatments and supports.

Hogg Foundation Recommendations:

- 1. Promote a treatment and recovery-centered approach, rather than a punitive one, to prevent individuals with mental health or substance use conditions from cycling in and out of county jails. The state should continue to leverage the Sequential Intercept Model (SIM) to map out when these individuals can be diverted away from criminal justice involvement.**
- 2. Require school districts identified in the top percentile of discipline and disparities to create and implement discipline improvement plans. TEA should be directed to provide guidance to schools on positive discipline policies focused on developing, maintaining, and repairing relationships, rather than on retributive and exclusionary consequences.**
- 3. Authorize districts to provide graduated sanctions and alternatives to suspension/expulsion when determining consequences for a student under the influence of or possessing drugs/alcohol at school.**
- 4. Raise the automatic age of criminal jurisdiction from 17 to 18. This will allow children and youth to be placed in the juvenile system and receive age-appropriate services while still allowing judges to have the discretion to transfer the most serious offenders to the adult system on a case-by-case basis. Texas is only one of four states that automatically places 17-year-olds in the adult criminal justice system.**

Submitted by The Hogg Foundation for Mental Health. For additional information, please contact Sean Walker, MPAff, Policy Fellow, sean.walker@austin.utexas.edu, Colleen Horton, MPAff, Director of Policy, colleen.horton@austin.utexas.edu, or Shannon Hoffman, MSW, Policy Specialist, shannon.hoffman@austin.utexas.edu.

¹ "The Sequential Intercept Model - Policy Research Associates." *Policy Research Associates*. <https://www.prainc.com/sim/>. Accessed 19 Mar. 2020

² Ibid.

³ "Transparencies January 2019 - Integral Care." *Integral Care*. <https://integralcare.org/en/transparencies1118-2-2/>. Accessed 19 Mar. 2020.

⁴ Munetz, Mark, and Patricia Griffin. "Use Of The Sequential Intercept Model As An Approach To Decriminalization Of People With Serious Mental Illness." *Ps.psychiatryonline.org*. N.p., 2006. <https://ps.psychiatryonline.org/doi/pdf/10.1176/ps.2006.57.4.544>. 19 Mar. 2020.

⁵ Institute for Policy Studies. (2018). *Students under siege: How the school-to-prison pipeline, poverty, and racism danger our school children*. Retrieved from <https://ips-dc.org/wp-content/uploads/2018/08/KAREN-REPORT-2.pdf>

⁶ Pufall, Jones, E., Margolius, M., Rollock, M., Tang Yan, C., Cole, M.L., & Zaff, J.F. (2018). *Disciplines and disconnected: How students experience exclusionary discipline in Minnesota and the promise of non-exclusionary alternatives*. Washington, DC: America's Promise Alliance. Retrieved from <https://gradnation.americaspromise.org/report/disciplined-and-disconnected>

⁷ Texas Appleseed. (2019). *Texas: The state of school discipline. A Look at the data: 2017-2018*. Retrieved from <https://www.texasappleseed.org/sites/default/files/SchoolDisciplineinTexas-new.pdf>

⁸ Ramey, D.M. (2016). The influence of early school punishment and therapy/medication on social control experiences during young adulthood. *Criminology*, 54(1), 113-141. <https://doi.org/10.1111/1745-9125.12095>

⁹ Fabelo, T., Thompson, M.D., Plotkin, M., Carmichael, D., Marchbanks III, M.P., & Booth, E.A. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. Council of State Governments Justice Center and The Public Policy Research Institute, Texas A&M University. Retrieved from https://knowledgecenter.csg.org/kc/system/files/Breaking_School_Rules.pdf

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¹¹ Perry, B. L., & Morris, E. W. (2014). Suspending progress: Collateral consequences of exclusionary punishment in public schools. *American Sociological Review*, 79(6), 1067-1087. <https://doi.org/10.1177/0003122414556308>

¹² Wolf, K. C., & Kupchik, A. (2017). School suspensions and adverse experiences in adulthood. *Justice Quarterly*,34(3), 407-430.

<https://doi.org/10.1080/07418825.2016.1168475>

¹³ Shollenberger, T. L. (2014). Racial disparities in school suspension and subsequent outcomes. In D.J. Losen (ed.), *Closing the school discipline gap: Equitable remedies for excessive exclusion*, Teachers College Press.

¹⁴ Mental Health America. (n.d.). *Children's mental health*. Retrieved from <https://www.mhanational.org/issues/childrens-mental-health>

¹⁵ Ramirez, L. (2018, August 7). *House Select Committee on Opioids and Substance Abuse: Impact of substance use disorders on Texans in criminal justice system and child protective services*. [PowerPoint presentation] Texas Health and Human Services. Retrieved from <https://hhs.texas.gov/sites/default/files/documents/laws-regulations/reports-presentations/2018/leg-presentations/house-select-opioids-sud-impact-justice-sys-aug-7-2018.pdf>

¹⁶ Ibid.