



HB 3075 (Coleman)

Relating to the collection and reporting of certain information regarding mental health jail diversion.

ISSUE

Police officers are often the first to respond to individuals experiencing a mental health crisis. More uniform and accurate data collection is needed on interactions between law enforcement officers and people with mental health conditions, substance use conditions, and/or intellectual and developmental disabilities (IDD). This information could inform the policy procedures of Texas's community-based jail diversion programs, competency restoration programs, and mental health crisis systems that serve these individuals.

RECOMMENDATIONS

- Require enhanced data collection from Texas law enforcement agencies that examines interactions between officers and people with mental health conditions, substance use conditions, and/or IDD. Data should be audited by law enforcement agencies to ensure accuracy.
 - This information should be used to a) identify gaps/barriers to serving these individuals in jail diversion programs, competency restoration programs, and mental health crisis response systems, and b) inform state and local level policy changes.

BACKGROUND

It is estimated that 10 percent of all 240 million calls that law enforcement officers receive each year in the US involve those with a "serious mental illness" (SMI), and that one million Texas adults have an SMI.^{1,2} Texas should study the outcomes of these interactions, in the hopes of analyzing how to better serve this population in the most ethical and optimal way. Diverting people with mental health/substance use conditions and IDD away from jail when appropriate is cost effective, beneficial to mental wellness, and reduces justice involvement.^{3,4,5}

According to the Health and Human Services Commission (HHSC), "when someone is involved or at risk for involvement in the criminal justice system or court ordered for treatment, jail diversion and competency restoration programs can help them get the services they need to stay in the community and take care of their health."⁶ To improve these jail diversion and competency restoration programs, Texas should improve data collection on interactions between police and people with mental health/substance use conditions and IDD.

HB 3075 would require law enforcement to submit comparative analysis reports to the Texas Commission on Law Enforcement (TCOLE) that must: a) examine why an officer arrested someone believed to have a mental health condition/IDD; b) determine if there are discrepancies between successful and unsuccessful diversions of these individuals from the justice system; and c) evaluate any use of restraints or force by an officer.⁷

Officers would be required to submit a report to their agencies after transferring people they believed had a mental health condition/IDD to a sheriff or municipal jailer, and the chief administrator of that agency would audit the reports to ensure compliance. Among other things, the report must include: a description of the individual's behavior, reason for any arrest or search, if a search was consented to, if a good faith effort was made to divert an individual suffering from a mental health or substance use crisis to a proper treatment center, and if the officer used constraint or physical force that resulted in bodily injury. A monthly report would be submitted to TCOLE detailing: the number of mental health/IDD screenings completed in the jail, the number of notifications a sheriff or municipal jailer provided to a magistrate, and the number, location, method, and outcomes of interviews for people thought to have a mental health condition or IDD.⁸

SUMMARY

Collecting more comprehensive data on exchanges between police and people with mental health conditions, substance use conditions, and/or IDD is fundamental to improving interactions. Data would improve the functions of community-based jail diversion programs, competency restoration programs, and crisis response systems in Texas.

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