

TASK FORCE ON INDIGENT DEFENSE

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New Options Increase Treatment, Reduce Recidivism for Defendants with Mental Illness

AUSTIN –The Texas Task Force on Indigent Defense released a study today showing that criminal offenders with mental impairments who are treated for their illness instead of being jailed are less likely to commit crimes again for up to eighteen months. Moreover, offenders suffering from one of the three serious mental illnesses--major depression, bipolar disorder, schizophrenia--were twice as likely to receive probation rather than jail time if represented by a mental health public defender, compared to other defendants with similar criminal and mental-health backgrounds.

The two-year study examined mental health courts and mental health public defender offices in three Texas counties: Tarrant, Dallas and Travis. These programs create means through which an arrest can be used to address therapeutic needs. From its findings the study concludes that these specialty interventions offer good alternatives to incarceration that save money and address fundamental problems leading to criminal behavior.

“It’s really a win-win for everyone involved,” said Jim Bethke, Task Force director. “The defendant gets linked in to the local treatment system and that reduces their chance of re-offending. The county ends up putting fewer people in jail, which saves money.”

Many repeat offenders suffer from mental illness. In many cases, the criminal behavior is more a symptom of the illness than an intention to do harm, according to the National Alliance on Mental Illness and local criminal justice officials.

Mental-health public defenders are specialist attorneys who represent people with relatively complex criminal histories. Social workers assist the public defenders by helping clients stay mentally stable as they prepare for court and can supervise defendants’ compliance with court-ordered treatment.

Mental health courts are often created by a single judge and typically accept people who have committed relatively minor offenses. Offenders can have charges dismissed if they complete the treatment program recommended by the judge and a team that includes a defense attorney, prosecutor and case managers. Together mental health courts and mental health public defenders offer a continuum of resources capable of helping defendants treat the causes of their problems, rather than the criminality that is often symptomatic of larger issues. “People with mental illness are much more likely to have a publicly appointed lawyer,” said Sharon Keller, Presiding Judge of the Texas Court of Criminal Appeals and Indigent Defense Task Force Chair. “This is why we think it makes so much sense to develop specialized defense capacity. This study shows that specially trained defense attorneys get better results for clients with mental impairments.”

The study found that both mental health courts and mental health public defenders change the way the criminal justice system thinks about people with special needs. Travis County’s misdemeanor Mental Health Public Defender’s Office offers training and makes social-work services available to private attorneys who represent indigent defendants with mental health problems. In Dallas County, the Public Defender’s Mental Health Unit serves as a resource to judges, private defense attorneys and other criminal-justice workers who encounter defendants with mental illness.

The research was funded in part by a grant from the State Justice Institute and conducted by the Public Policy Research Institute at Texas A&M University in collaboration with the National Center for State Courts and the Council of State Governments, Justice Center. The full report may be downloaded from the Task Force website at:

<http://www.courts.state.tx.us/tfid/resourcesresearchstudies.asp>.