

Partnerships Help Mentally Ill Defendants Get Treatment, Services & Stay Away From Jail

Lubbock County

INNOVATION AWARD

Special Needs Defenders' Office

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When Lubbock County officials began earnest discussions about building a new jail, they noticed that mentally ill defendants spent a disproportionate amount of time incarcerated. Wanting the new jail to operate as efficiently as possible, they carefully studied the problem and all its causes. “They can’t get out of the criminal justice system without someone helping,” said Commissioner Bill McCay.

How to best help mentally ill inmates is a common challenge faced by counties across the state, and it is complicated by several factors. In Lubbock County, there wasn’t a method for determining which inmates were mentally ill. Area defense attorneys weren’t equipped to handle cases with mentally ill defendants. Many mentally ill defendants didn’t have a support structure to help them once they were released from jail and were therefore more likely to recommit offenses and wind up back at jail.

To address those problems, the county reached out to the Lubbock Criminal Defense Lawyers Association and the Lubbock Regional Mental Health and Mental Retardation Authority and applied for a Task Force on Indigent Defense grant to fund the Lubbock County Special Needs Defenders’ Office.

“The overall mission is to provide effective case management to the citizens with severe mental illness or mental health conditions that are incarcerated, that are indigent, and help them with the services they need to reduce the cycle of recidivism,” said Irma Shepler, the office’s director.

The office is not a county department. Instead, it was established by the defense lawyers association at the request of the county and then hired by the county to administer a new managed assigned counsel pro-

“Mental illness is here. It’s not going to go away and every county should have the resources and the personnel to help these citizens battle this war, because it sometimes feels like they are in a war and they need help fighting it.”

— IRMA SHEPLER, Director of the Lubbock County Special Needs Defenders’ Office

gram specific to mentally ill defendants and attorneys qualified to handle their cases.

“When you partner with folks and everyone has skin in the game and it’s not a government program, but some government funding to help the program, then that’s when you get the best results,” McCay said. “Everyone wants to solve the problem.”

Managed assigned counsel programs are still fairly new to Texas, though Lubbock County was able to model its program off of a long-existing office in San Mateo, Calif.

“The administrative functions are centralized either through a contract or on a county department level,” said David Slayton, the county’s courts administrator, adding that managed assigned counsel programs gives the county the advantages of a public defender’s office, such as the ability to enforce standards, while still allowing the county to access all the resources of the private bar. “We can use the best resources that we have out there.”

The office opened its doors in April 2009 with a director, two caseworkers and an administrative assistant. So far, its wheel of attorneys has taken on more than 480 cases. As of late July, the attorneys had closed approximately 330 of those cases.

To be eligible for the office’s services, defendants must be diag-



Lubbock County created the state's first managed assigned counsel program to help its mentally ill defendants get the treatment and services they need to stay out of jail. The Special Needs Defenders' Office includes Administrative Assistant David Young, Caseworker Jose Leal, Director Irma Shepler and Caseworker Amelia Salazar. In addition, the county has partnered with the Lubbock Regional MHMR Center to provide mental health screening and services to inmates.

nosed with a mental illness and have an indigent status. The office handles both felony and misdemeanor cases.

Attorneys must be qualified to work with mentally ill clients and must agree to take eight hours of continuing legal education. To that end, the office holds special training classes for area attorneys and ensures that attorneys meet the office's standards.

"Our Lubbock County Criminal Defense Lawyers Association has been a very close ally of ours in working through a number of problems and when we began to look at the mental health issues in our community, they were right on board with us and just really thought that this was an area that they could fill in and be able to provide the services that we needed," Slayton said.

As part of the program, the county also has a contract with its local MHMR office to conduct mental health screenings of every inmate booked into the jail. Screenings are conducted by a licensed mental health professional during face-to-face interviews with inmates.

"With the screeners at the jail, it is really hard to fall through the cracks now," Shepler said, adding that the program's base of attorneys is great enough that the office is assigning each attorney on its wheel about one client per month.

Caseworkers in the office work with attorneys and clients once the defendant has been released from jail to ensure that they access important treatment and support services.

"We have the local resources of MHMR, the food banks, salvation army, all of the churches that have services that provide shelter, clothing, food," Shepler said. "Our case workers know what social services to turn to. ... If the client isn't able to get there on their own, our caseworkers make sure that they find a way to get them there, even if they have to take them themselves.

"Many times our clients do not have family, do not have friends, do not have people in their lives that can help them," she added. "Our caseworkers come in and provide that support. They help them, stay in touch with them, encourage them to come and visit us, and that has made a lot of difference in some of their lives."

Though the office was created through grant funding, officials

said they are prepared to fund it when the time comes.

"The dollars that we spend aren't just budgeted expense dollars. They are actually an investment and we are getting a great return on that investment," McCay said, adding that the county's costs for incarceration and defense attorneys have both decreased since the office opened. "We are saving money ... and we are having a positive impact on people's lives."

In fact, the county is planning on expanding the office's services so that it catches more inmates who would benefit from treatment.

"The Special Needs Office has given us a platform to have more and more discussions about okay, the entire jail population, what can we do out there to help restore some folks?" McCay said. ★



“ We wanted to be able to help individuals, to get them out of jail, to get them in a program, so that they can become a productive part of this community.”

— **BILL MCCAY**, Lubbock County Commissioner