

**Kim K. Ogg**  
**Harris County District Attorney**



**COMMUNITY ACTION PLAN**

**Mental Health**

**A Policy/Program Plan Based On  
2017 Community Transition Committee Recommendations.**

**Committee Members:**

James Horwitz, Co-Chair

Hon. Adrian Garcia, Co-Chair

Staci Biggar

Robert Simon

Annalee Gulley

Penny Shaw

Maise Barringer

*Since taking office, Kim Ogg and the new Administration at the Harris County District Attorney's Office (HCDAO) have been guided by a core set of principles that have shaped policy change and resulted in the implementation of new program initiatives. Because difficult decisions arise every day during the administration of justice, the District Attorney and her staff rely upon these principles in seeking fair and equal justice for the people of Harris County. These guiding principles can be found on the HCDAO website under "The Office" tab.*

## **Overview**

How to treat defendants and victims with mental illness (MI) is one of the most challenging problems facing every large urban district attorney's office in the country, and Harris County is not immune to the problem. The Harris County Jail is the largest de facto mental health facility in Texas-- a situation that neither improves public safety nor the mental health of individuals suffering from mental illness who are also charged with a crime. To improve how mental illness will be treated in Harris County, the applicable HCDAO guiding principles are:

- **To treat all crime victims with dignity and fairness;**
- **To also treat those accused of criminal offenses with dignity and fairness;**
- **To recognize mental illness as a public-health concern**

In keeping with a campaign promise to improve the treatment of crime victims, especially those who are mentally ill, the Ogg Administration pushed for new laws to protect them. Upon taking office, DA Ogg obtained legislative sponsorship for "Jenny's Law," new legal protection for crime victim witnesses. The new law passed both the Texas House of Representatives and the Senate nearly unanimously, guaranteeing the right to counsel and a hearing in open court when either prosecutors or defense counsel sought to have crime victim witnesses jailed to ensure their trial appearance. This pro-victim law will be especially important to mentally ill victims who are an especially vulnerable population impacted by the criminal justice process.

## **Action**

The HCDAO is proactively seeking public and private partnerships with government and service organizations to expand mental health training for prosecutors. Mental health training will now be a permanent element of in-house continuing legal education provided to prosecutors and support staff to ensure that they are equipped with knowledge and techniques for working with witnesses and victims who are mentally ill or who have suffered mental illness in the past. Additionally, the Ogg administration is actively working to identify and build partnerships with mental health service organizations capable of treating mentally ill defendants diverted at arrest or during the post-charge phase of prosecution. Such initiatives will require inter-departmental and intra-governmental cooperation to obtain the resources necessary to provide in-patient and out-patient treatment as a condition of court-ordered supervision or diversion. DA Ogg has begun talks with County and City government leaders, along with law enforcement, to identify best practices and programs for defendants and victims suffering from mental illness.

## **Addressing Systemic Problems**

The HCDAO expanded mental health prosecution from felony only to include misdemeanor offenders in June 2017. The HCDAO Mental Health Division now identifies and intervenes with mentally ill defendants at the misdemeanor level with the purpose of restoring their competency and/or crafting a treatment plan with mental health professionals as part of court-ordered supervision. With the progress of bail reform, incompetent mentally ill defendants charged with minor misdemeanor offenses are the only offenders serving the full term of their offenses in jail. Some of those offenders never regain competency, in spite of treatment within the jail or state mental health system, and reflect a significant financial drain on criminal justice resources. The HCDAO will continue to advocate for additional resources and partnerships to accommodate mentally ill defendants released but seeks to shift this process to an out-patient process when possible. Diversion models used in other counties, such as Miami-Dade County (Miami) and LEAD in King County (Seattle), are being examined for possible implementation in Harris County. The replication of some of these existing models may require increased data collection with has begun in our mental health division under Denise Oncken. The HCDAO is open to partnerships with nonprofits and academic institutions that can help collect and quantify data on

mentally ill defendants and/or provide other services necessary to the health and well-being of the prosecutors themselves.

To this end:

- Not only Felony, but Misdemeanor defendants too are now “flagged” as mentally ill pursuant to a special needs form from the court or psychological records provided by defense counsel to assist with evaluation of the case;
  - DA Ogg is advocating for public-private funding of more in-house treatment for low-risk mentally ill defendants;
  - The Ogg Administration is collaborative in working with other government and non-government agencies to reduce the mentally ill jail population;
  - The HCDAO is willing to join with appropriate medical research partners to collaborate in regard to mentally ill victims and defendants to ensure a fair process for both;
  - The HCDAO will identify and provide appropriate volunteer counseling for prosecutors who themselves are subject to traumatic stress exposure; and
  - The HCDAO will advocate for mental health issues at Criminal Justice Coordinating Council and work in conjunction with others to create more mental health resources for this underserved population.
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The Harris County District Attorney's Office and DA Kim Ogg are dedicated to continued community involvement in the criminal justice system and the application of fair and equal justice to all of Harris County. We would like to thank all the participants of Transition Team for their time and dedication to improving our criminal justice system. The community's voice will always be part of the Ogg administration.

*The Harris County District Attorney's Office is comprised of 329 prosecutors, 90 investigators and 277 support personnel who are dedicated to making our community safer through evidence-based prosecution. This means guaranteeing a fair process with the goal of obtaining a just result for the victim, the accused and the community in every case.*

***To accomplish these goals, we promise:***

- *To use taxpayer money efficiently;*
- *To make decisions about criminal cases based on evidence, not relationships;*
- *To strive for equality in our use of prosecutorial discretion;*
- *To treat all crime victims with dignity and fairness;*
- *To also treat those accused of criminal offenses with dignity and fairness;*
- *To recognize mental illness as a public-health concern;*
- *To collaborate with other governmental and law enforcement agencies so that we can solve and prosecute crimes more effectively;*
- *To utilize the expertise of specialty division prosecutors for crimes requiring subject matter knowledge;*
- *To actively seek input and participation by the diverse communities of the greater Houston area;*
- *To utilize technology to improve case management, service to our constituents, and employee accountability;*
- *To be mindful of our duty to see that justice is done, and as representatives of the people, to be transparent in our actions;*
- *To act with professionalism in every situation.*