

[2019 Session] Divert People from the Justice System Altogether and Provide Them Treatment in the Community

Policy Background

In 2017, more than 800,000 people were arrested in Texas – 147,000 for drug violations alone.¹ According to the Texas Health and Human Services Commission, low-income people with substance use disorder must wait weeks for intensive residential treatment, outpatient treatment, and Medication-Assisted Treatment.² People in need of co-occurring psychiatric and substance abuse treatment must similarly wait weeks for specialized services.³ Texas' inadequate treatment infrastructure means people with drug use problems are far more likely to be arrested than receive help. Over the past five years, nearly all serious and violent offense cases have declined significantly in this state, whereas drug possession cases have increased nearly 25 percent.⁴ The cycle of substance use, arrest, and incarceration simply continues – ravaging families, perpetuating the drug crisis in Texas, and squandering resources that could be used to truly prevent crime.

In 2017, the Texas Legislature passed Senate Bill 292, which created a mental health matching grant program to reduce recidivism, arrests, and incarceration among people with mental illness. Grant applications were submitted by community collaboratives, which included a wide array of local stakeholders inside and outside the criminal justice system who identified specific community needs with respect to treatment capacity and local coordination. Texas can leverage the successes of that model in its efforts to address substance use and see declines in related crime.

Proposed Solution

Expand the community collaborative model to address the intersects between substance use and the justice system, and empower communities to develop a localized approach to public health and safety through regional grants. Require grant recipients to develop a strategic plan, identify treatment and coordination gaps, set state and county jail reduction targets, implement locally driven programming (like pre-arrest diversion initiatives or other programs), and achieve progress towards goals

to continue receipt of funding. Capture and reinvest justice system savings to sustain funding for alternative interventions.

Note: Where pre-arrest diversion strategies have been implemented – promoting access to community-based services rather than arrest and jail – communities have seen a remarkable drop in re-arrest rates. Specifically, participants in these programs were 58 percent less likely to be arrested after enrollment than those who went through the traditional criminal justice process.⁵ Pre-arrest strategies ensure that people can access help while the justice system focuses on more serious cases.

Relevant Bill

- **Bill Number:** [HB 2707](#) [Price, Allen, Minjarez, Sheffield, White]
Bill Caption: Relating to the expansion of the community mental health grant program to include services to and treatment of individuals with substance use disorders.
TCJE Materials: [Fact Sheet](#)

Other Bills Related to Community-Based Supports that Can Prevent Justice System Involvement

- **Bill Number:** [HB 1448](#) [Zerwas, Price, Button, Allison, Coleman]
Bill Caption: Relating to the creation of the Texas Mental Health Care Consortium.
- **Bill Number:** [HB 1465](#) [Moody, Murr | Sponsor: Menéndez]
Bill Caption: Relating to a study on expanding recovery housing in this state.
House Hearing Notice: [Public Health, March 13, 2019](#)
TCJE House Action: [Testimony in support](#)
House Hearing Video: [Public Health, 3/13/19](#)
Senate Hearing Notice: [Health & Human Services, May 14, 2019](#)
TCJE Senate Action: [Card in support](#)
Senate Hearing Video: [Health & Human Services, 5/14/19](#)
- **Bill Number:** [HB 1613](#) [Moody]
Bill Caption: Relating to the provision of recovery community organization services under Medicaid.
House Hearing Notice: [Human Services, April 9, 2019](#)
TCJE House Action: [Testimony in support](#)
House Hearing Video: [Human Services, 4/9/19](#)

- **Bill Number:** **HB 1758** [White]
Bill Caption: Relating to a grant program and interagency review of resources to support and sustain recovery community organizations.
House Hearing Notice: [Public Health, April 10, 2019](#)
TCJE House Action: [Testimony in support](#)
House Hearing Video: [Public Health, 4/10/19](#)
- **Bill Number:** **HB 2813** [Price, Raymond | Sponsor: Nelson]
Bill Caption: Relating to the statewide behavioral health coordinating council.
House Hearing Notice: [Public Health, April 17, 2019](#)
House Hearing Video: [Public Health, 4/17/19](#)
Senate Hearing Notice: [Health & Human Services, May 15, 2019](#)
Senate Hearing Video: [Health & Human Services, 5/15/19](#)
Signed by the Governor; effective immediately, 6/10/2019
- **Bill Number:** **HB 3285** [Sheffield, Zerwas, Price, Moody, Klick | Sponsor: Huffman]
Bill Caption: Relating to programs and initiatives to prevent and respond to opioid addiction, misuse, abuse, and overdose and identify and treat co-occurring substance use disorders and mental illness.
House Hearing Notice: [Public Health, April 10, 2019](#)
TCJE House Action: [Card in support](#)
House Hearing Video: [Public Health, 4/10/19](#)
Senate Hearing Notice: [Health & Human Services, May 17, 2019](#)
TCJE Senate Action: [Card in support](#)
Senate Hearing Video: [Health & Human Services, 5/17/19](#)
Signed by the Governor; effective on 9/1/2019
- **Bill Number:** **HB 3538** [Rose]
Bill Caption: Relating to the establishment of the Opioid and Substance Abuse Advisory Council.
House Hearing Notice: [Public Health, April 17, 2019](#)
TCJE House Action: [Card in support](#)
House Hearing Video: [Public Health, 4/17/19](#)
- **Bill Number:** **SB 10** [Nelson, Alvarado, Bettencourt, Birdwell, Buckingham, et al. | Sponsors: Zerwas, Price, Button, Allison, Coleman]
Bill Caption: Relating to the creation of the Texas Mental Health Care Consortium.
Senate Hearing Notice: [Health & Human Services, February 12, 2019](#)
Senate Hearing Video: [Health & Human Services, 2/12/19](#)

House Hearing Notice: [Public Health, May 1, 2019](#)

TCJE House Action: [Card in support](#)

House Hearing Video: [Public Health, 5/1/19](#)

- **Bill Number:** [SB 633](#) [Kolkhorst | Sponsors: Lambert, Guillen]

Bill Caption: Relating to an initiative to increase the capacity of local mental health authorities to provide access to mental health services in certain counties.

Senate Hearing Notice: [Health & Human Services, March 5, 2019](#)

Senate Hearing Video: [Health & Human Services, 3/5/19](#)

House Hearing Notice: [Public Health, May 1, 2019](#)

TCJE House Action: [Card in support](#)

House Hearing Video: [Public Health, 5/1/19](#)

Signed by the Governor; effective immediately, 6/14/2019

Other Materials

- Substance Use Disorder Coalition [Fact Sheet](#) on creating matching grants for substance use treatment [February 2019]
- House Select Committee on Opioids and Substance Abuse [Interim Report](#) to the 86th Texas Legislature [November 2018]
- TCJE Report: [A Failure in the Fourth Degree: Reforming the State Jail Felony System in Texas](#) [October 2018]
- TCJE [Quick Guide](#) for “A Failure in the Fourth Degree” [October 2018]
- Substance Use Disorder Coalition [Recommendations](#) for House Select Committee on Opioids and Substance Use Disorder [August 2018]
- TCJE Issue Brief: [A Public Health Approach to Illicit Drug Use in Travis County \(opens in a new tab\)](#)[March 2018]
- TCJE [Interim Testimony](#) on substance use, submitted to Senate Health & Human Services Committee [March 2018]
- TCJE Blog Post: [Texans are Battling Addiction – Let’s Help Them Win the Fight](#) [November 2017]

¹ Texas Department of Public Safety, [The Texas Crime Report for 2017 – Chapter 9: Texas Arrest Data](#).

² Texas Health and Human Services Commission, data request, September 2017.

³ Mary Ann Priester et al., “Treatment Access Barriers and Disparities Among Individuals with Co- Occurring Mental Health and Substance Use Disorders: An Integrative Literature Review,” *Journal of Substance Abuse Treatment* (2016), Vol. 61, 55.

⁴ Office of Court Administration, Court Activity Database, *District Criminal Court Dispositions*, 2013–2017.

⁵ Susan E. Collins et al., “[Seattle’s Law Enforcement Assisted Diversion \(LEAD\): Program Effects on Recidivism Outcomes](#),” *Evaluation and Program Planning*, 64 (2017), 49–56.