



Mentally Ill Offender Screening and Information Exchange Rider 43, 83rd Legislative Session

Overview

The 2014-2015 General Appropriations Act, S.B. 1, 83rd Legislature, Regular Session, 2013 (Article II, Department of State Health Services, Rider 43) requires the Department of State Health Services (DSHS) to report to the Legislative Budget Board its efforts to facilitate the exchange of information between agencies pursuant to Health and Safety Code §614.013 and §614.017. The report shall include, but is not limited to: the manner in which information is exchanged between agencies, the frequency with which information is exchanged, the type of information most frequently exchanged, and the agencies most frequently involved in the exchange of information.

Health and Safety Code §614.013

Health and Safety Code §614.013 directs the Texas Department of Criminal Justice (TDCJ), the Department of State Health Services (DSHS), the Bureau of Identification and Records of the Department of Public Safety (DPS), representatives of local mental health or mental retardation authorities appointed by the DSHS commissioner, and the directors of community supervision and corrections departments to adopt a memorandum of understanding (MOU) that establishes their respective responsibilities to institute a continuity of care and service program for offenders with mental impairments in the criminal justice system. The original MOU between the agencies was signed in December 2011 and fully executed at that time. TDCJ is currently in the process of renewing the memoranda between agencies.

Health and Safety Code §614.017

Chapter §614.017 directs 20 state agencies and other entities including DSHS to exchange and “accept information relating to a special needs offender or a juvenile with a mental impairment for purposes of continuity of care and services.” DSHS released a memorandum in October 2008 that directed all 37 local mental health authorities (LMHAs) and the NorthSTAR program to follow the requirements of the Health and Safety Code §614.017. When issues of noncompliance with this chapter arise, DSHS works with the agencies and LMHAs involved to resolve the issue and to facilitate information exchange.

Additionally, in compliance with Health and Safety Code Chapter 614, DSHS in collaboration with DPS has developed a real-time identification system supported by an MOU for individuals with a current or past history of state mental health care who are arrested and booked into local and county jails:

- To serve as a mechanism to ensure continuity of care for individuals with mental illness who are involved with the criminal justice system; and
- To provide a mechanism for post-booking diversion of individuals with mental illness from the criminal justice system.

This process allows personnel at local and county jails with access to the Texas Law Enforcement Telecommunications System (TLETS), to run a real-time match with the DSHS mental health database. DSHS and DPS jointly conducted trainings on the use of this Continuity of Care Query (CCQ) for authorized users in 2010.

Subsequently, DSHS, DPS, and Texas Commission on Jail Standards released a memorandum that included a deadline of December 31, 2010 for jails to use the CCQ through TLETS exclusively to conduct mental history checks of inmates upon booking (reference: Texas Administrative Code, Title 37, Part 9, Chapter 273, Rule §273.5).

Type of Data Exchanged

Information that is routinely submitted by local and county jails and juvenile corrections facilities to the LMHAs or the NorthSTAR program includes an individual's name, date of birth, social security number, sex and ethnicity. This information is matched to information maintained in the DSHS database. The DSHS report that is prepared and sent to the LMHAs and the NorthSTAR program includes results based upon how well the information submitted by the local or county jail matches with information maintained by DSHS as well as information specific to each type of match.

There are three levels of matches that are recorded by DSHS:

- Exact - the information submitted by the local or county jail matches exactly with information maintained in the DSHS mental health database;
- Probable - the information submitted by the local or county jail matches with the information maintained in the DSHS mental health database enough to indicate that this consumer has been registered, but not all information matched; and
- None - the information submitted by the local or county jail does not match with the information maintained in the DSHS mental health database.

“Exact” matches will contain more detailed information including the individual's name, date of birth, social security number, sex, ethnicity, identification number, principle diagnosis, an LMHA or NorthSTAR program service provider identifier, and the dates of most recent service by the LMHA or NorthSTAR program. “Probable” matches will contain less detailed information including the individual's name, date of birth, social security number, sex, ethnicity, and an LMHA or NorthSTAR program service provider identifier. No information is placed on the return report for individuals booked into local and county jails who do not match with information maintained in the DSHS database.

During fiscal year 2013, all 254 Texas counties used the CCQ for a total of 1,122,091 unique queries for adults. Approximately 5 percent (58,356) of these queries resulted in an exact match; approximately 47 percent (527,148) of the queries resulted in a probable match; and approximately 48 percent (536,587) resulted in no match. These exact and probable matches alert the LMHA to exchange pertinent data with the jail that made the query.

DSHS began sharing the same information with the Texas Juvenile Justice Department in July of 2012. In fiscal year 2013, there were 602 queries about juveniles with 514 matches, or approximately 85 percent resulting in a match.

Mentally Ill Offender Screening and Information Exchange Rider 43, 83rd Legislative Session,
continued

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