

# Successful Implementation of Diversion Courts and Programs

Judge Brent A. Carr  
Tarrant County Criminal Court  
Nine  
Fort Worth, Texas



## Modeling Clay



## Baseline Facts Definitions

- **Correctional population:** includes community supervision and incarcerated population (jail, prison, community supervision and parole).
- **Community supervision:** includes probation and parole.
- **Incarcerated population:** includes jail and prison

## Baseline Facts

- U.S. Population 2014
  - 317,297,938 <sup>(1)</sup>
- U.S. Corrections Population 2014
  - 6,851,000
  - Total = incarceration + supervision <sup>(2)</sup>
- This represents 2.3% of the 2015 U.S. Population
- **1 in 36** adults were under some form of criminal justice supervision in 2014 <sup>(2)</sup>
- Total Incarcerated 2014 (Jail or Prison):  
2,188,000 <sup>(2)</sup>

## Baseline Facts

- Texas Population 2014 <sup>(3)</sup>
  - 27,161,942
- Texans Correctional Population 2014 <sup>(2)</sup>
  - 699,300 (18 years old and higher)
  - 2.6% Texas Population
  - Rate per 100,000 Texas: 3,490
- State Rank total correctional population: 1<sup>st</sup> <sup>(2)</sup>

## Baseline Facts

### Texans Under Community Supervision (probation and parole) 2014 <sup>(2)</sup>

- 496,900
- Rate per 100,000 Texas: 2,480
- State Rank total number on  
community supervision: 1<sup>st</sup>

## Baseline Facts

### Incarcerated Texans 2014, Jail or Prison

- <sup>(2)</sup>
- 219,100
- Rate per 100,000 Texas: 1,090
- State Rank total number of  
incarcerated persons: 1<sup>st</sup>

## The Cost

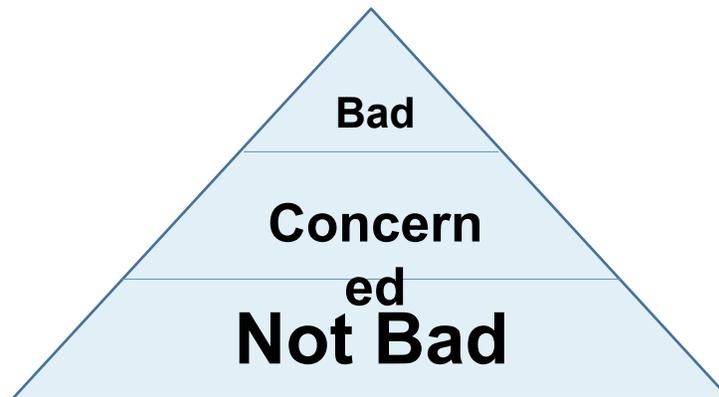
Texas Per Person (rounded)

<u>Facility</u> <u>Reported</u>	<u>Daily</u>	<u>Yearly</u>	<u>Year</u>
Prison	\$55	\$20,075	2014 <sup>(6)</sup>
Tarrant Jail	\$75	\$27,375	2016 <sup>(7)</sup>
CSCD 2014 <sup>(6)</sup>	\$3.00	\$1,095	

## The Cost of Confinement <sup>(5)</sup>

<u>County</u>	<u>Avg. Daily Cost</u> <u>Jail Pop.</u>	<u>Cost</u> <u>Year</u>
Bexar	3,700	\$240,500
		\$88,000,000
Dallas	5,600	\$364,000
		\$132,860,000
Harris	8,600	\$559,000
		\$204,035,000
Tarrant	3,500	\$227,500
		\$83,037,500

## Public Safety Threat of Criminal Defendants



## Resource, Docket or Court?

- **Resource:** organized activities dedicated to support a docket, court or CJ system.
- **Specialty Docket:** a docket set aside to address the issues of a limited group of offenders with an identified set of resources.
- **Specialty Court:** a court that devotes almost 100% of its time to a limited group of offenders with an identified set of resources.

## Diversion or Intervention?



## Diversion Program

- Pre or post adjudication
- Lower level of offender
- No or few chronic conditions
- Low risk / low need
- Stability factors
- Committed to participation

## Diversion Program

Rewards may include:

- Dismissal of charges
- Expunction
- Sealing of records
- Charge reduction
- Familiarity with resources
- Relapse prevention

## Intervention Program

- More often post adjudication
- Higher level offender
- Lower level frequent offender
- Chronic conditions
- Higher risk / higher need
- Lack of stability
- Committed to participation

## Intervention Program

### Rewards:

- A Home
- Income (employment / disability income)
- Exit from the criminal justice system
- Sobriety
- Mental Health

## Intervention Program

### Rewards:

- Reunification with family / children
- Familiarity with resources
- Relapse prevention
- Education
- Support system

## My Programs

- Mental Health Treatment Docket 2003
- Veterans Treatment Docket 2010
- RISE Docket (High-risk Female Offender)  
2011
- Enhanced Mental Health Services Docket  
2015

## My Programs

- Mental Health Coordinator
- Tarrant County Assertive Treatment  
(TCAT)
- Outpatient Competency Restoration
- Art. 16.22 Early Identification of  
Defendants with Mental Illness

## Other Tarrant County Programs

- Drug Diversion Docket
- Drug Intervention Docket
- Family Violence Court
- Felony Alcohol Intervention Program (Docket)

## Other Tarrant County Programs

- Substance Abuse Felony Punishment Facility (SAFPF) Reentry
- Supervision with Intensive Enforcement (SWIFT)
- Intensive Day Treatment
- MHMR Jail Mental Health Unit

## Building a Specialty Program



## Building a Specialty Program

- What is your passion?
- What is the need?
- What is your commitment?
- What are your resources?
- Who are your partners?
- Who is your champion?

## Program Development

1. Identify and limit target group.
2. Identify partners for the project.
  - Champions
  - Resource representatives
    - a. Habitation
    - b. Food
    - c. **Purpose**
    - d. **Community**
  - Community Partners
  - Local academic institutions
  - Broad support group & Steering committee

## Program Development \$\$\$

- You don't always need it.
- Government
  1. State
  2. Federal
  3. Local
- Non – profit agencies
- Program fees
- Academic Institutions

## Tarrant County Mental Health Treatment Docket

- 2002, Tarrant County Mental Health Association Sponsored Luncheon to present Mental Health Treatment Docket Concept
- Team from Indianapolis, IN, consisting of:
  1. Prosecutor
  2. Judge
  3. Court Administrator
  4. Treatment Provider

## Tarrant County Mental Health Treatment Docket

- Local meeting of interested parties
- Decision to go forward
- Indiana prosecutor gave one day presentation
- Developed a design based on drug court model
- Program type: diversion
- Felony and misdemeanor offenders

## Tarrant County Mental Health Treatment Docket

- Initial dedicated funding: none
- Initial incredible contribution: one probation officer from CSCD
- Bureau of Justice Assistance approved funding for Program Manager and other items
- First participant: December 2003

## Tarrant County Mental Health Treatment Docket

### Program Admission

- Application which must confirm existing mental health condition, signed release for information.
- Administrative screening
- District Attorney approval
- Formal screening (assessments, drug test, etc)
- Rights waiver, **entry of guilty plea**
- Entry into program

## Tarrant County Mental Health Treatment Docket

### Program structure

- Individual treatment program based on application information and assessments.
- Assessment driven, level of care is dictated by assessment.
- Three phases + free fly period
- Graduation, presented with dismissal
- Duration: 10 months – two years

## Tarrant County Mental Health Treatment Docket

### Outcomes:

- Total admitted: 511
- Total graduated: 418
- Unsuccessful discharges: 61
- Currently in program: 36
- Re-offense rate: 14%



## Tarrant County Veterans Treatment Court Docket

- Admissions: 226
- Graduations: 153
- Completion Rate: 86%
- Terminations: 25
- Recidivism: 5%
- Total Active: 48

# Reaching Independence through Self-Empowerment (RISE)

*Kristina's story*

## Reaching Independence through Self-Empowerment (RISE)

Supervision Status	RISE Participants (%)	Raw # (N)
Still Active	44.4	36
Revocation*	43.2	35 <sup>‡</sup>
Completion/Early Discharge	11.1	9
Other**	1.2	1
<b>Total</b>	<b>100.0</b>	<b>81</b>
Revocation Reason <sup>‡</sup>		
Not Revoked or Still Active	56.8	0
New Offense Arrest	17.3	14
Technical Violations Only	25.9	21
<b>Total</b>	<b>100.0</b>	<b>81</b>

\*Some participants requested to be revoked or released from the program, a program research evaluation is underway to investigate these issues further.

\*\* One participant passed away.

<sup>‡</sup> Of the 35 persons revoked, only 14 were for new offenses and 21 were for technical violations only. See Revocation Reason.

## Enhanced Mental Health Services EMHS

### Criteria for Admission and Process

- In CARE, state-wide, mental health data base
- Two or more admissions to Tarrant County Jail in the last 12 months
- Filed case put on CCC9 docket
- Case set before Magistrate Rainey Webb
- Resources appear at docket

## Enhanced Mental Health Services EMHS

- 92 – on bond, waiting for bonds or waiting for state hospital
- 639 individuals with Mental Health Issues Screened and Assessed
- On average at least 3 cases filed per year
- On average, number new cases reduced to just over **1.5 new cases** a year.
- **45% no new case since on this docket**

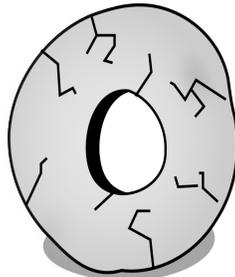
## Core Principles

- Key Components
- Evidence Based Practices
- Maintain Stakeholder Involvement
- Start with a modest number
- Seek periodic evaluation of program
- Do not hesitate to seek assistance

## Closing Thoughts

- Texas Office of Court Administration
  - Must notify OCA of a specialty program to be eligible for state funding
- Specialty Court Advisory Committee.
  - Will be developing minimum standard criteria for specialty court programs
- Some Programs are Required by Statute
  - Certain drug courts
  - Prostitution intervention

There is no need  
To reinvent the wheel



## Resources

- National Association of Drug Court Professionals
- Texas Association of Specialty Courts
- Bureau of Justice Assistance
- American Probation and Parole Association
- Bureau of Justice Statistics
- National Institute of Corrections
- Judge Brent Carr and Friends

## Last One, I Promise Outliers

- New ethics challenges
  - Do current ethics rules cover the collaborative process vs. the role of zealous advocate
- Redefined roles for judges
- Do participants receive adequate due process
- Translating research into criminal justice application
- Do no harm

## Contact

**Judge Brent A. Carr**  
**401 W. Belknap**  
**Fort Worth, Texas 76196**  
**(817) 884-3410**  
**[bacarr@tarrantcounty.com](mailto:bacarr@tarrantcounty.com)**

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