WHEREAS, Travis County has a statutory responsibility and duty to "provide safe and suitable jails for the county" and the Travis County Commissioners Court takes that responsibility seriously; and

WHEREAS, the Texas Legislature defines a correctional facility as a "place designated by law for the confinement of a person arrested for, charged with, or convicted of a criminal offense", and not as a facility for response to mental health crisis; and

WHEREAS, in the 2009/2010 Central Campus plan specifically addressed updating the Central Booking Facility. In addition to Central Booking a new approach is needed for the capital planning for facilities; and

WHEREAS, before COVID about 20% of the Travis County jail population were identified as having a serious mental health condition and now about 41% are identified as having a serious mental health condition; and

WHEREAS, on April 26, 2022 the Commissioners Court approved a contract with Dell Medical School to lead stakeholders, including people with lived experiences, mental health and legal experts, judicial leaders, law enforcement and community advocates, in a 10-month solution-driven process to create actionable recommendations to address these complex issues. The charge given to the Steering Committee, and 8 workgroups they led, was to decrease the number of people with mental health needs entering jail, help them exit jail, and then keep them out of jail; and

WHEREAS, on March 7, 2023, the Dell Medical School team submitted the Travis County Forensic Mental Health Project Final Report and the report identified as one of the top five priorities an effort to "plan, develop and implement a "diversion" center;"

WHEREAS, County and city officials, working with other community partners, play a critical role in funding, implementing, and coordinating a local continuum of care to support people in mental health and substance use disorder crisis and have a constitutional responsibility for managing the county's criminal justice system and to tend to the serious medical needs of incarcerated people, including mental health needs and must generally maintain humane conditions within jails; and

WHEREAS, Travis County, the City of Austin, and other community partners can make our community more safe and create a model for positively addressing the intersection of mental health and the criminal legal system with a public health approach.

NOW, THEREFORE, BE IT RESOLVED, THE TRAVIS COUNTY COMMISSIONERS COURT DOES HEREBY endorse the creation of a Jail Diversion Center and a new central booking facility that will further decriminalize mental illness, reduce the number of people in jail with mental illness,

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and provide equitable access to healthcare, housing, workforce and legal services, and

FURTHERMORE, BE IT RESOLVED, THE TRAVIS COUNTY COMMISSIONERS COURT

DIRECTS COUNTY STAFF TO:

In General

- The Justice and Public Safety department should take the lead in convening and coordinating the various departments and offices listed in this resolution to ensure progress is made and information is shared across departments; and
- Direct the Planning and Budget Office to facilitate the planning for funding of the elements outlined for the Central Booking and Diversion Center programing outlined below. This shall include reporting back to court within 180 days on funding options available to support the services for diversion efforts pre- and post-arrest, including through partnership with the Travis County Hospital District, dba Central Health, CommUnity Care, and the Local Mental Health and Intellectual and Developmental Disability Authority, Integral Care, City of Austin (Sobering Center model), state, and federal; and
- Direct Justice & Public Safety department, in coordination with relevant Travis County departments, including the Intergovernmental Affairs office, and criminal legal system and behavioral health ~~justice~~ involved county stakeholders, to identify possible funding streams to build and strengthen local behavioral health crisis response continuums that will positively impact our public safety and reduce the number of people in crisis entering or staying in the Travis County Correctional Complex. This shall include federal, state, county, city, and non-governmental funding opportunities such as grants, bonds, settlements, and other funding. Specifically, this shall include applying within 60 days to the US Department of Justice, Bureau of Justice Assistance for a technical assistance grant to assist with the planning and coordinating of this project.
- Direct the County Executive for Health & Human Services to work with the City of Austin, including Austin Public Health, and relevant community stakeholders, to
    - Explore opportunities to incentivize housing for people who intersect with the Travis County criminal legal system and housing that receives financial support from Travis County, such as that funded with the $110 million investment of Rescue Act Funds.
    - Explore using the Sobering Center interlocal agreement as a model to fund up to 100 beds for post-diversion respite care, transitional housing, and other support services.
- The new central booking and diversion facilities may include space for emergency or other medical care to provide comprehensive medical services.

Travis County Diversion Center

- The Diversion Center shall
    - Include pre-arrest and post-arrest services; and
    - ~~Be a clinical setting versus a law enforcement setting; and~~
    - ~~Be led and staffed by licensed behavioral health care professionals; and~~
    - ~~Eligibility shall be clinically based, but informed by public safety; and~~
    - Increase access to beds for people with substance use disorders and in need of mental health stabilization; and
    - Include follow-up and connection to supportive services, such as psychiatric, housing, health care, accessing government issued-identification, public benefits support, and workforce development programs, this includes release to a safe, stable place to stay; and
    - Help ensure that participants who successfully complete their clinical treatment shall not be prosecuted for legal issues related to the underlying health issue; and
    - ~~Shall~~ not be a substitute for the State of Texas's obligation to provide competency restoration and indigent mental health services.

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- Together, the Justice & Public Safety and Health and Human Services Departments, working in close conjunction with the Sherriff's Office, Integral Care, the Behavioral Health Criminal Justice Advisory Committee, ECHO, The Sobering Center and other relevant stakeholders within and outside of the County, are directed to recommend a program design that will inform the design and construction of the Diversion Center. These recommendations shall address the following questions:
    - What will be the eligibility criteria for the Diversion Center?
    - Will the Diversion Center be a secured (i.e., locked) facility, an unsecured facility, or a combination thereof?
    - Will individuals go to the Diversion Center voluntarily, involuntarily, or both?
    - Will the Diversion Center provide bridge or long-term supportive housing options for those individuals who are experiencing homelessness and/or individuals that need intensive wrap-around services for a prolonged period of time?
    - On a high level, what staffing is needed at the Diversion Center?
    - What will be the feasible size of the Diversion Center, both in terms of the number of beds and the estimated number of people the Diversion Center can serve annually?
    - What is the percent of the community's need for mental health diversion services that will be addressed by the Diversion Center?

Central Booking Facility Reimagined

The Justice & Public Safety Department is directed to:

- Work with the Travis County Health & Human Services, Planning and Budget Office and Economic Development & Strategic Initiatives office, Sheriff's Office, Facilities Management, and all relevant stakeholders, including CommUnity Care, Central Health, Integral Care to prepare a timeline and phasing plan for the development of jail diversion strategies that shall begin with the construction of a central booking facility and diversion center at the downtown campus of the Travis County Jail.
- Begin the process to develop a plan for the Travis County Central Booking, Intake & Diversion Center redevelopment that begins with constructing a new Central Booking facility and diversion center that will help reduce the number of people entering the jail with an unmet mental or substance use disorder need. This shall include a review and update of the 2016 Travis County Correctional Plan to reflect the original 2010 priority of beginning with a central booking facility which will include an architectural re-design of the Central Booking facility and development of the site of the San Antonio parking garage. This may include an RFP or RFS to assist with the redesign and process work and, if so, this shall come back to the Commissioners Court for consideration by May 15.
- The new central booking facility shall include sufficient space for counsel at first appearance, clinical personnel, peer support specialists, and other innovative practices that help reduce the number of people with mental or substance use disorder needs who enter the jail and the amount of time that is spent in jail if it does not further public safety.
- If the County cannot simultaneously build a new Central Booking facility and Diversion Center, funds for the construction and operation of the Diversion Center shall be prioritized.

SIGNED AND ENTERED THIS 21st DAY OF MARCH, 2023

ANDY BROWN
TRAVIS COUNTY JUDGE

JEFFREY W. TRAVILLION, SR.
COMMISSIONER, PRECINCT 1

BRIGID SHEA
COMMISSIONER, PRECINCT 2

ANN HOWARD
COMMISSIONER, PRECINCT 3

MARGARET J. GOMEZ
COMMISSIONER, PRECINCT 4

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