

Criminal Justice, COVID-19, and Crisis: A Fort Bend Case Study

Rhea Biswas^{1,3}, Overzenia Ojuri, J.D.²

¹ John Foster Dulles High School, Sugar Land, TX

² Fort Bend Public Defender's Office

³ Gifted and Talented Mentorship Program, Fort Bend ISD, TX



Introduction

An estimated 36% of inmates in Fort Bend Jails suffer from a mental illness, making the intersection between criminal justice and mental healthcare incredibly important. As per the American Psychiatric Association (APA), the COVID-19 pandemic has both significantly exacerbated existing systemic inequalities in the criminal justice system and created new, unprecedented challenges. Stakeholders in criminal justice and mental health face five primary challenges:

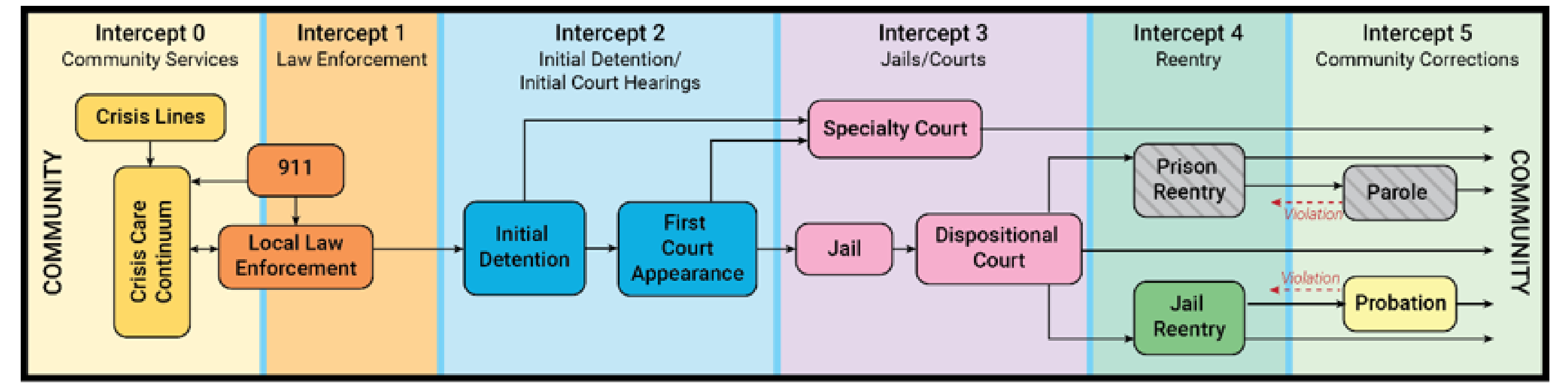
1. Courts and parole panels have been recessed, leaving persons with mental illness (PwMI) incarcerated at higher rates relative to other prison populations (C1).
2. Access to routine care, therapeutic groups, and psychiatric inpatient facilities have been significantly limited or wholly eliminated (C2)
3. Crowding and movement restrictions in jails and prisons may exacerbate mental illness leading to worsening symptoms (C3),
4. Access to reliable technology has been limited, affecting all who are incarcerated and work in these settings (C4).
5. Rapid turnover of inmates and generally reduced access to stable care in jails have been currently exacerbated (C5).

This project aims to investigate how these challenges have manifested and been addressed within the Fort Bend County jail system.

Methodology

Utilizing the sequential intercept model, the methodology examines how the pandemic has affected persons with mental illness in every stage of the criminal justice continuum, and how COVID-19 procedural changes will shape the future of criminal justice

Sequential Intercept Model Map



The mapping process aims to “plot resources and gaps across the SIM,” making it ideal for analyzing the large-scale effects of the pandemic through manageable pieces. Primary stakeholders in each Intercept were interviewed for input on how COVID-19 has affected their work. Dr. Connie Almeida, Director of Fort Bend Behavioral Health Services, was interviewed regarding Intercept 0. Mrs. Overzenia Ojuri, Chief of the Mental Health Division of the Fort Bend Public Defender's Office, represented Intercepts 2 and 3. Lieutenant Scott Soland, the former Supervisor of the Fort Bend Crisis Intervention Team, provided input on Intercepts 1, 4, and 5. In addition, Fort Bend County's usage of National Coronavirus State and Local Fiscal Recovery Funds (SLFRF) was reviewed through a comprehensive analysis of the county report filed with the US Department of Treasury. These funds, totaling \$86,392,945, are intended to be used from 2021-2026 to achieve 10 primary objectives, including “supporting criminal justice” and “improving mental illness support.” The SLFRF represents the largest COVID-related fiscal change in the county, providing a thorough overview of projects undertaken by the public sector to address the challenges COVID-19 poses. The feedback provided by stakeholders was used to qualitatively gauge the efficacy of these efforts.

Findings

Changes to Budget and Procedure

Intercept 0 - Community Service

- \$4 million SLFRF funds allocated towards expanding mental health continuity of care
- \$2 million SLFRF funds allocated towards mitigating entry of youth into the Juvenile Justice system
- Over \$9,000,000 SLFRF funds allocated towards improving broadband connectivity across county

Intercept 1 - Law Enforcement

- \$1,065,245 SLFRF funds allocated towards implement a 9:00 p.m. – 6:00 a.m. Crisis Intervention Team shift

Intercept 2 - Initial Detention

- Since March 2020, every inmate has been required to quarantine for 2 weeks upon intake
- Temporary reduction in intake and prosecution due to COVID fears

Intercept 3 - Jail/Courts

- \$159,000 allocated for the Fort Bend County Sheriff's Office to purchase detention body scanners
- Mental Health Court was temporarily suspended
- Judges given discretionary power over courtroom operating procedure (ex. usage of Zoom court)
- Inmates were physically isolated - meetings with the court, lawyers, and family were all conducted online

Intercept 4 - Reentry

- \$2 million SLFRF funds allocated towards community outreach for non-violent juvenile offenders
- Less movement between County Jails and Prisons

Intercept 5 - Community Corrections

- Prisons expedited the parole process in an attempt to reduce jail populations
- Meetings with probation officers were temporarily suspended

Conclusion

Fort Bend County's reduction in bookings as a proactive approach to mitigating COVID challenges proved to be most beneficial in resolving APA concerns.

- C1: Delays in representation due to the 2 week-long quarantine mandate and initial court closures have resulted in longer average pre-trial detention; however, the reduction in bookings has caused less people to be placed in pre-trial detention overall.
- C2: The county has seen a rise in mental health crisis reports but has also greatly expanded resources towards addressing this. The addition of telehealth, Crisis Intervention Team diversion services, and extensive pre-existing mental health infrastructure has mitigated this impact.
- C3: Overcrowding is not a present issue in local jails – FBC is one of the few jails to have open space, largely as a result of a decade of mental health diversion and reduced bookings. This seems to be the reason in the lesser rate of deaths/infections as compared to Harris County. However, C3 movement restriction has worsened mental health symptoms for many inmates and the efficacy of their representation, as they may feel socially isolated and struggle to communicate over online platforms.
- C4 did not appear to be a challenge within Fort Bend at all – this is most likely a result of the \$9 million broadband and infrastructure funding provided by the SLFRF. High levels of access to technology greatly benefited the county, allowing for consistent familial contact that may not have otherwise been possible, online services like parenting classes, and remote court appearances.
- C5 is present in Fort Bend, but it is difficult to identify if it has had any malevolent impact. Rapid turnover was greatly exacerbated by parole boards expediting the process due to COVID fears – it is yet to be shown whether this creates a ‘revolving door’ effect.

Outcomes



We're seriously concerned about lack of access to providers – both inside and outside of the criminal justice system. Access to care has always disproportionately impacted POC, PwMI, and low-income individuals; COVID-19 ripped off the Band-Aid and made these challenges exponentially worse.

- Dr. Connie Almeida, Behavioral Health Services

- Delays in representation and processing time; inmates don't see a judge for two weeks
- Loss of human connection, making mentally ill defense/prosecution significantly more challenging
- Courtroom procedure variability is a source of anxiety for lawyers and defendants alike
- Repeated resets due to judge, lawyer, and defendant absences
- Rise in law enforcement mental health incidents; sustained cumulative trauma
- ==Unprecedented spike in domestic violence and mental health crisis reports



Despite isolation beyond 23 hours a day being classified as psychological torture by Penal Reform International, COVID protocols have edged past this... practices that could be torture should never have formed part of the public health response to the pandemic in prisons.

- Monique Hurley, Human Rights Law Centre

Implications

As the pandemic wanes, criminal justice stakeholders must ask themselves what the ‘new normal’ looks like. Certain practices, such as E-filing, online visitation, expanded funding for mental health services, and an increased focus on diversion have proven to benefit PwMI greatly. However, other practices – such as prolonged isolation and a loss of human connection – have severely negatively impacted the mental health of incarcerated persons. Furthermore, the pandemic has highlighted how the decentralized organization of the criminal justice system and a lack of mental support for law enforcement exacerbates existing inequalities. Utilizing the infrastructure developed during the pandemic, and continuing to address the inequalities that it exposed is essential to creating a more fair and equitable system of criminal justice.