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**COURT RULES PRETRIAL DETAINEES WITH MENTAL ILLNESS
CANNOT BE HELD IN JAILS INDEFINITELY**

Austin, TX – Disability Rights Texas attorneys won a significant victory this week on behalf of pretrial detainees with mental illness who, after being found incompetent to stand trial, remain detained in county jails for months while awaiting transfer to a mental health facility for competency restoration treatment.

On Monday, a Travis County District Court judge ruled that the Department of State Health Services' policy of creating a waiting list, which leads to detainees deemed incompetent remaining in jails for months on end, is unconstitutional, as it violates their due course of law rights under the Texas Constitution. The court's ruling will require DSHS to move all detainees from jails to state mental health hospitals for competency restoration treatment within 21 days of a finding of incompetence to stand trial.

Prior to this week's ruling, DSHS has placed pretrial detainees found incompetent to stand trial on a waiting list, which left them languishing in county jails for months at a time, without the ordered services, until a "forensic" bed became available at a state hospital.

At any given time, approximately 400 such detainees are held in jails, on average for six months, while waiting to be admitted to a state hospital for treatment. This new ruling helps ensure they will no longer have to wait extended periods of time to receive their ordered treatment.

Disability Rights Texas, the legal protection and advocacy agency for Texans with disabilities, filed the case more than four years ago. Beth Mitchell, supervising attorney at DRTx and lead counsel in the case, said she is hopeful there will be swift implementation of this long overdue reform of the system for individuals found incompetent to stand trial.

"So many of those people who should be in state hospitals remain in local jails for months, or even years, without regard for their presumed innocence and without the ability to go to trial," Mitchell noted. "In fact, around 50 percent of the people who are the subject of this lawsuit stay in jails longer than they would have stayed there had they actually gone to trial."

Peter Hofer, DRTx senior attorney and co-counsel in the lawsuit, concurred: "It's an important victory for the constitutional rights of citizens who often slip through the cracks, and a first step towards exposing the issues in Texas' funding of, and system for, treating and trying these individuals."

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Disability Rights Texas is a nonprofit disability advocacy organization that protects and advances the legal, human and service rights of Texans with a broad range of disabilities. Disability Rights Texas is federally funded and designated as the protection and advocacy agency (P&A) for the state of Texas. In March 2011, the agency changed its name from Advocacy Inc. to Disability Rights Texas. For more information about Disability Rights Texas, visit www.DRTx.org.