

September 30, 2026

Via Email

Mayor Kirk Watson and Members of the Austin City Council
City of Austin
301 West Second Street
Austin, Texas 78701

Re: No Wrong Door Concerns

Dear Mayor Watson and Members of Council:

We write about Austin's No Wrong Door program. We share the program's goal of coordinating housing, treatment, and other services for people with complex behavioral needs, and we want that work to succeed. However, some of No Wrong Door's current practices raise urgent legal and policy concerns. We respectfully ask you to take the following steps:

1. Either eliminate law enforcement involvement in No Wrong Door, or ensure full and formal adoption of the attached Safeguards for Law Enforcement Contact with No Wrong Door Participants ("Safeguards");
2. Ask city staff to clarify basic No Wrong Door program details, including at the October 6, 2026 City Council work session, and adopt any revisions through Council action as necessary; and
3. Request regular briefings on the City's legislative agenda as it relates to mental health and criminal justice issues.

We raise these concerns after conversations with city officials, a review of program documents, and discussions with lawyers representing those impacted by the No Wrong Door program.¹ We welcome additional information and would appreciate the opportunity to meet at your earliest convenience.

I. COUNCIL SHOULD EITHER END LAW ENFORCEMENT INVOLVEMENT IN NO WRONG DOOR OR ADOPT CRITICAL SAFEGUARDS

¹ Memorandum from Carrie Rogers, Gov't Rels. Officer, City of Austin, to Mayor & City Council, City of Austin, *No Wrong Door: Coordinated Crisis Response Program* 1 (Aug. 3, 2026) (on file with author) [hereinafter Aug. 3 Memo]; Memorandum of Understanding, *No Wrong Door Working Group on Austin-Travis County's High Utilizers* 6 (July 24, 2026) (on file with author) [hereinafter MOU]; Telephone Conversation with Carrie Rogers, Dir., Austin Gov't Rels. Off., City of Austin (Sept. 11, 2026).

By the City's own account, No Wrong Door exists to connect "people with the most complex social and behavioral health needs" to services.² The MOU states its purpose as "reducing the impact of high utilizers on community resources."³ Mayor Watson has described it as working "through dedicated peer support and reducing public safety interactions."⁴ These are legitimate policy goals, but many program questions remain unanswered and, as described to us by numerous stakeholders, the program relies on police to identify and approach the people it aims to help. This raises serious concerns. We urge the city to either end law enforcement involvement in No Wrong Door or fully and formally adopt the attached Safeguards for Law Enforcement Contact with No Wrong Door Participants.

A. Austin Police Department officers are approaching represented people in jail, without notifying their lawyers, and asking them to sign documents that affect their legal rights.

We understand that Austin Police Department ("APD") officers staffing No Wrong Door regularly initiate contact with people in jail who already have lawyers. Frequently, the officers do not notify those lawyers or invite them to attend these conversations. They ask each person to sign a form releasing comprehensive mental health and medical information without representation to advise the person whether to speak or sign or what to say.⁵ The City's own data shows that more than half of the people it counts as high utilizers have behavioral health issues.⁶ Many of the people asked to sign this form, therefore, likely live with mental illness. When police seek consent from a person in jail without counsel, particularly if they are suffering from mental illness, whether that consent is actually voluntary is a serious question.

B. No Wrong Door shares sensitive information with police and prosecutors, with no assurance it will stay out of criminal proceedings or involuntary commitment decisions.

The release officers ask people to sign authorizes sharing all of their health information, including psychiatric history, with every agency on the form, including APD, the

² Aug. 3 Memo, *supra* note 1, at 1.

³ MOU, *supra* note 1, at 1-2.

⁴ Kirk Watson, Mayor, City of Austin, *Central Health Approved Budget with Mental Health Investments*, City of Austin Council Message Board (Sept. 9, 2026, 9:28 PM), <https://austincouncilforum.org/viewtopic.php?t=2306&sid=f09fd5589f28db78a2d16514a5196f50>.

⁵ MOU, *supra* note 1, at 2; No Wrong Door Serv. Coordination Team, Authorization to Share Information 1-2 (n.d.) (unpublished form) (on file with author).

⁶ Aug. 3 Memo, *supra* note 1, attach. A, at 1 (reporting that 55% of high system utilizers had behavioral health issues).

Sheriff, the County Attorney, and the District Attorney. It permits use of that information "for other legal purposes."⁷ What a person tells a psychiatrist is generally confidential, with limited exceptions such as when there is a probability of imminent physical injury.⁸ There are no comparable protections applying to what a person tells a Texas peace officer or mental health information shared under the release. This makes law enforcement contact initiated under No Wrong Door especially risky for targeted individuals because it could impact their liberty interests. This may already be playing out. In one reported instance, an Austin police officer involved in No Wrong Door made a recommendation related to bond directly to a court, having consulted neither the prosecution nor defense.

The lack of restrictions on how police and prosecutors may use information gathered as a result of No Wrong Door is also concerning, because city and county leaders have signaled support for expanding involuntary commitment. The Sunset Advisory Commission letter attached to the City's memo calls mandated treatment "a critical tool," and Central Health's newly approved budget commits \$33.1 million to inpatient psychiatric beds that Mayor Watson says "directly advances No Wrong Door."⁹ As that capacity grows, nothing in the No Wrong Door program's documents seems to limit how shared medical information, or information collected as a result of law enforcement contact initiated by No Wrong Door, may be used in cases involving potential involuntary commitment.

C. No Wrong Door is relying on Austin police officers, who hold the power to arrest, to reach people with complex needs and connect them to care.

Austin police officers lead outreach for No Wrong Door. But the program serves people whose needs are often medical and social. When someone has a heart attack, the city sends paramedics. People experiencing mental illness, addiction, or homelessness should likewise be met by professionals trained to connect them to care. In one instance reported to us, an individual on the No Wrong Door list was tracked down because of their name on the list and then detained, searched and arrested. The risk of these potentially dangerous encounters might be minimized with non-law enforcement agencies leading outreach. It is therefore worth carefully reviewing APD's role in this program and assessing where, if at all, it is appropriate.

⁷ No Wrong Door Serv. Coordination Team, *supra* note 5, at 1-2.

⁸ See Tex. Health & Safety Code Ann. §§ 611.002, 611.004.

⁹ Aug. 3 Memo, *supra* note 1, attach. B, at 2.

D. No Wrong Door selects people by their arrest records, which measure contact with police, not the health needs the program exists to address.

City officials have confirmed that the main criterion for being placed on the No Wrong Door list triggering additional scrutiny and contact is eight or more arrests. Arrests measure contact with police, not health needs. A list built on arrests, followed by more police contact under the current program design, risks deepening the cycle No Wrong Door aims to break.

II. COUNCIL SHOULD ASK CITY STAFF TO ANSWER IMPORTANT QUESTIONS ABOUT NO WRONG DOOR OPERATIONS

We ask Council to direct staff to answer the following questions clearly and specifically, including at the October 6 work session:

- Did representatives from either the public defender's office or the Capital Area Private Defender Service review and approve the No Wrong Door MOU?
- How are people identified and placed on the program's list, and who makes that decision?
- How many releases have been signed?
- Of the releases signed, how many were signed in jail or by people with pending charges?
- Of the releases signed, how many were signed by people with serious mental illness?
- What does "peer support" mean in the context of this program?
- What specific metrics will be used to measure the program's success?
- Have police made bond recommendations based on No Wrong Door participation or information gathered as a result of it?
- Can staff guarantee that no information gathered through No Wrong Door will be used in criminal proceedings or to involuntarily commit anyone?
- Will staff incorporate the Safeguards for Law Enforcement Contact with No Wrong Door Participants, or does adopting them require Council action?

III. COUNCIL SHOULD REQUEST REGULAR BRIEFINGS ON THE CITY'S LEGISLATIVE AGENDA AS IT RELATES TO INVOLUNTARY DETENTION AND CRIMINAL JUSTICE ISSUES

The City of Austin's Governmental Relations Office has confirmed that it is working with state lawmakers on legislation drawing on Mayor Watson's letter to the Sunset

Advisory Commission included in the August 3 memo to Council.¹⁰ The proposals in the Sunset letter would change how Texas responds to people with psychiatric conditions and substance use disorders.¹¹ For example, the letter proposes to change the legal standard for forcing psychiatric treatment on people in court-ordered outpatient programs.¹²

The letter also asserts that "[w]ithout question, diversion must be handled within a post-adjudication structure, in which a sentence is deferred pending successful completion of an extended mental health program."¹³ In Texas, post-adjudication diversion generally means probation after a conviction. The judge sets a sentence and suspends it while the person serves probation in the community. Even if the person completes probation successfully, this conviction remains on their record. But if they violate any condition, the judge may revoke probation and impose the suspended sentence. Probation is difficult for many to complete, and it can be even harder for people experiencing serious mental illness. Whereas routing more people to probation guarantees a lifelong criminal record and increases the likelihood of incarceration, pretrial diversion can allow a person to complete an educational or mental health program and have the case dismissed without a guilty plea. A rule that diversion must be post-adjudication "without question" would eliminate that option.

We recognize that responding better to people experiencing mental illness when they come into contact with the criminal legal system involves challenging questions. Because the City's legislative agenda on this topic could influence that response statewide, we urge Council to request regular briefings on its legislative agenda as it relates to mental health or criminal justice.

We welcome the opportunity to meet and work with the City and its partners to meet the shared goal of protecting everyone's rights while working to connect people to services that they need.

¹⁰ Telephone Conversation with Carrie Rogers, *supra* note 1.

¹¹ *Aug. 3 Memo*, *supra* note 1, attach. B, at 5–6

¹² *Id.* at 5

¹³ *Id.* at 3.

Sincerely,

Cate Graziani,

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United Workers of Integral Care

Proposed Safeguards for Law Enforcement Contact with No Wrong Door Participants

We support No Wrong Door's goal of coordinating housing, treatment, and other services for people with complex needs. Because law enforcement and prosecuting agencies participate in NWD, however, the program must clearly separate voluntary service coordination from criminal investigation, prosecution, and court advocacy.

The risk of confusion is greatest when a participant is in custody, has a pending charge, is the subject of any criminal investigation, or is represented by counsel. Before law enforcement personnel contact an NWD participant through the program or use NWD information in those circumstances, we request that NWD adopt the following safeguards as written policy.

1. Clear Identification of Role and Voluntary Participation

Before any substantive NWD-facilitated interaction, a law enforcement officer should:

- Identify themselves by name and agency and clearly state that they are acting as law enforcement;
- Display a badge or other official credentials;
- Explain the purpose and general subject of the proposed contact;
- Explain that the officer is not a case manager, treatment provider, advocate, or member of the participant's defense team; and
- Tell the participant whether the interaction is voluntary, what information may be shared, who may receive or use it, and that the participant may consult defense counsel before deciding whether to participate.

NWD should not present law enforcement contact in a manner that could reasonably cause a participant to believe the officer is a confidential service provider or is acting solely in the participant's interest. Consent or information obtained without a clear explanation of the officer's identity, purpose, and role should not be treated as informed consent or a voluntary statement.

2. Advance Notice to Defense Counsel

When an NWD participant is in custody, has a pending charge, or is represented by counsel, NWD should notify assigned defense counsel before any proposed law enforcement contact through the program concerning services, release planning, bond, or another matter that may affect the participant's criminal case. Notice should be provided at least 48 hours in advance when reasonably practicable and, in all cases, before the contact occurs.

The notice should identify:

- The participant;
- The officer's name and agency;
- The proposed date, time, and location of the contact;
- The purpose and general subject of the contact; and
- Contact information for the responsible NWD or law enforcement representative.

Counsel should have a meaningful opportunity to advise the participant, attend the meeting, or request additional safeguards. After-the-fact notice does not provide that opportunity.

3 New Arrests and Renewed Consent

A new arrest materially changes the context in which an NWD participant may interact with law enforcement. Upon learning that a participant has been arrested or charged, NWD should notify defense counsel and pause law enforcement contact through the collaborative process until counsel has had a reasonable opportunity to advise the participant.

A prior diversion agreement, program enrollment, notification, or Release of Information should not be treated as consent to law enforcement contact about a new arrest or to the use of NWD information in a new criminal matter.

The current NWD Release of Information states that it may remain valid for up to two years unless revoked. We therefore request a written policy requiring a new, informed Release of Information for each new arrest or newly filed charge before NWD authorizes law enforcement contact or case-specific information sharing related to that matter. The participant should receive a plain-language explanation of the proposed contact, the information to be shared, the recipients, the permitted uses, and the right to consult counsel before signing.

NWD should create a policy and process for a client to revoke any prior consents/releases at any time and have an effective solution to distribute that revocation to all stakeholders who may rely on any prior release.

4 Limits on Case and Court Communications

Law enforcement personnel should not use an NWD-facilitated contact to question a participant about the facts or circumstances of a pending charge or solicit information that may be used in a criminal investigation or prosecution.

If a participant begins discussing a pending case, the officer should state that the matter cannot be discussed, redirect the conversation, and end the interaction if the participant continues.

No NWD case manager, service provider, or participating law enforcement officer should send a bond recommendation or other case-specific communication directly to a judge or court. Any information that a participating law enforcement agency believes should affect bond or another court decision should be provided through the prosecutor assigned to the case and disclosed to defense counsel before it is presented to the court.

Likewise, information obtained through NWD's service coordination process or a trusted service relationship should not be used to investigate or prosecute a participant, support a bond condition, or influence disposition unless disclosure is legally required or supported by legally sufficient authorization. When disclosure is proposed, defense counsel should receive advance notice to the extent permitted by law.

These limits preserve the distinction between collaborative services and the adversarial criminal process without preventing appropriate service coordination.

5 Written Policy and Accountability

NWD should incorporate these safeguards into a written protocol and provide the protocol to all participating agencies, personnel, participants, and defense representatives.

The protocol should require documentation of law enforcement contacts, notices to counsel, consent or Release of Information decisions, and communications with prosecutors or courts.

It should also provide a clear process for participants and defense counsel to report concerns, obtain prompt clarification, suspend disputed contact while it is reviewed, and seek corrective action when a contact does not comply with the protocol.

NWD can connect participants to important services, but its success depends on clear boundaries. A participant should never have to guess whether a person is acting as a police officer or a service provider, whether a conversation is voluntary, or whether information shared for services may affect a criminal case.

These safeguards are intended to ensure that collaboration does not bypass counsel, obtain case-related information through a trusted service relationship, or influence bond and other court decisions outside the ordinary adversarial process. The practices addressed above can create serious constitutional and ethical concerns, particularly when a participant is in custody, has pending charges, or is represented by counsel.

We ask the NWD Working Group to adopt these safeguards in writing before further NWD-facilitated law enforcement contact with participants in those circumstances.

Clear written rules will protect participants, guide participating agencies, and support appropriate collaboration.