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# Competency Restoration: Best Practices Using the HHSC Competency Restoration Guide

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# Overview



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- HHSC Competency Restoration Guide
- Principles of Competency Restoration
- Competency Restoration Placement Decision Tree
- Stakeholder Panel

# HHSC Competency Restoration Guide

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- New resource to be available on Texas Behavioral Health and Justice Technical Assistance Website
- Developed through a peer review and consensus process:
  - Expert panel convened by the Substance Abuse and Mental Health Services Administration and attended by Steering Committee members
  - Guide drafted and reviewed by Steering Committee
  - Tested by two focus groups with subject matter experts from across Texas
  - Additional review solicited through a peer review process



# Steering Committee Members

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- **Nelda Cacciotti**, Assistant Criminal District Attorney, Tarrant County Criminal District Attorney's Office
- **Dr. Erika Canales**, Director of Competency Evaluation Services, HHSC
- **Kathleen Casey-Gamez**, Senior Policy Analyst, Texas Indigent Defense Commission
- **Shana Dallas**, LPC, LMHC, Competency Restoration Program Manager, StarCare
- **Hon. Drue Farmer** (Retired), County Judge, Lubbock County Court at Law #2
- **Hon. Elizabeth Byer Leonard**, District Judge, 238th District Court
- **Denise Oncken**, Mental Health Bureau Chief, Harris County District Attorney's Office
- **Michele Oncken**, Division Chief—Mental Health and Child Fatality Division, Harris County District Attorney's Office
- **Lee Pierson**, Mental Health Division Chief, Dallas County District Attorney's Office
- **Simone Salloum**, Policy Attorney, HHSC
- **Dr. Felix Torres**, MD, MBA, DFAPA, CCHP-MH, Chief of Forensic Medicine, HHSC
- **Jay Wooten**, Chief Defense Attorney, Galveston Public Defender's Office
- **Wayne Young**, MBA, LPC, FACHE, Chief Executive Officer, The Harris Center



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# Principles of Competency Restoration (1 of 5)

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Access to robust, appropriate, and timely community-based services and support is essential to divert people with mental illness from the criminal justice system and to promote reentry after a period of incarceration.



People for whom the compelling interest to prosecute is low are not considered for competency restoration. People for whom the compelling interest to prosecute is high receive competency restoration services in the least restrictive setting as appropriate.

# Principles of Competency Restoration (2 of 5)

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Competency restoration is used only to stabilize symptoms of mental illness and provide legal education to allow for the resumption of the adjudicative process.



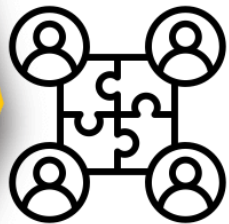
The competency restoration system provides clear accountability for systematic efficiency, equity, quality evaluators and evaluations, and is committed to confidentiality.

# Principles of Competency Restoration (3 of 5)

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The competency restoration system emphasizes early identification and intervention, matching the services provided to the person's needs, and ensures continuity of services and support for people moving between treatment settings.



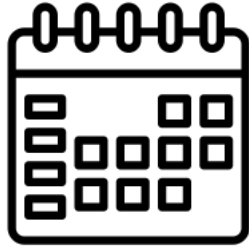
The competency restoration system is defined by strong collaboration among mental health providers, law enforcement, jail administration, prosecutors, defense attorneys, the judiciary, and all three branches of state and local government.



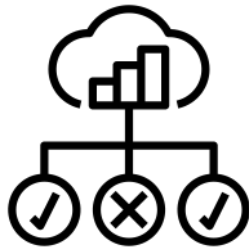
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# Principles of Competency Restoration (4 of 5)

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Partners involved in the competency restoration process observe and promote appropriate and statutorily required timelines for tasks that fall within their respective domains.



Partners implement data-driven decision-making processes, to include a data collection, analysis, and dissemination strategy.



# Principles of Competency Restoration (5 of 5)

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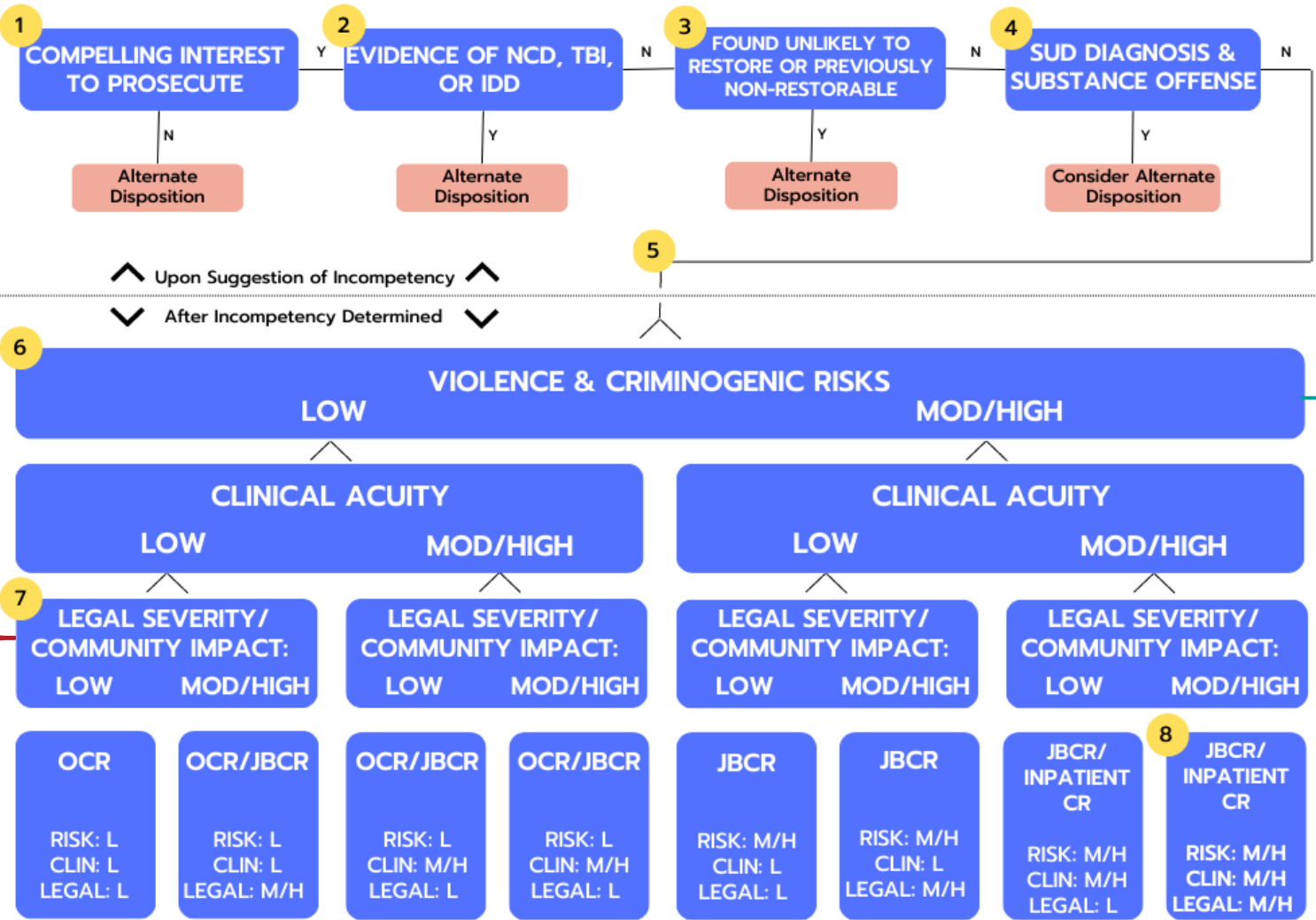
Partners are knowledgeable about the competency restoration process, including the sequence of events, terminology, and processes.



Competency restoration placement decisions are guided by research, data, statute, administrative rule, and the best available tools to support decision-making that consider legal severity, clinical acuity, and risk of recidivism.

# Competency Restoration Decision-Tree

**Consider:**



- **Violence risk and risk of recidivism**
- **Nature and severity of offense**
- **Potential impact to public safety if person returns to community**

**Use validated violence and criminogenic risk assessment instruments**





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# Stakeholder Panel

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Nelda Cacciotti  
Assistant Criminal District Attorney—MH  
Tarrant County Criminal District Attorney's Office

Shana Dallas  
Competency Restoration Program Manager  
StarCare Specialty Health Services

Hon. Elizabeth Byer Leonard  
District Judge  
238<sup>th</sup> District Court

Jay Wooten  
Chief Defense Attorney  
Galveston Public Defender's Office



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# **Thank you!**

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