

JAIL-BASED COMPETENCY RESTORATION (JBCR)

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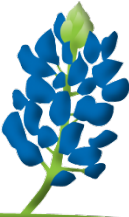
Transforming Lives

The Client



TEXAS
Health and Human
Services



Bluebonnet  Trails
Community Services

The Client



TEXAS
Health and Human
Services



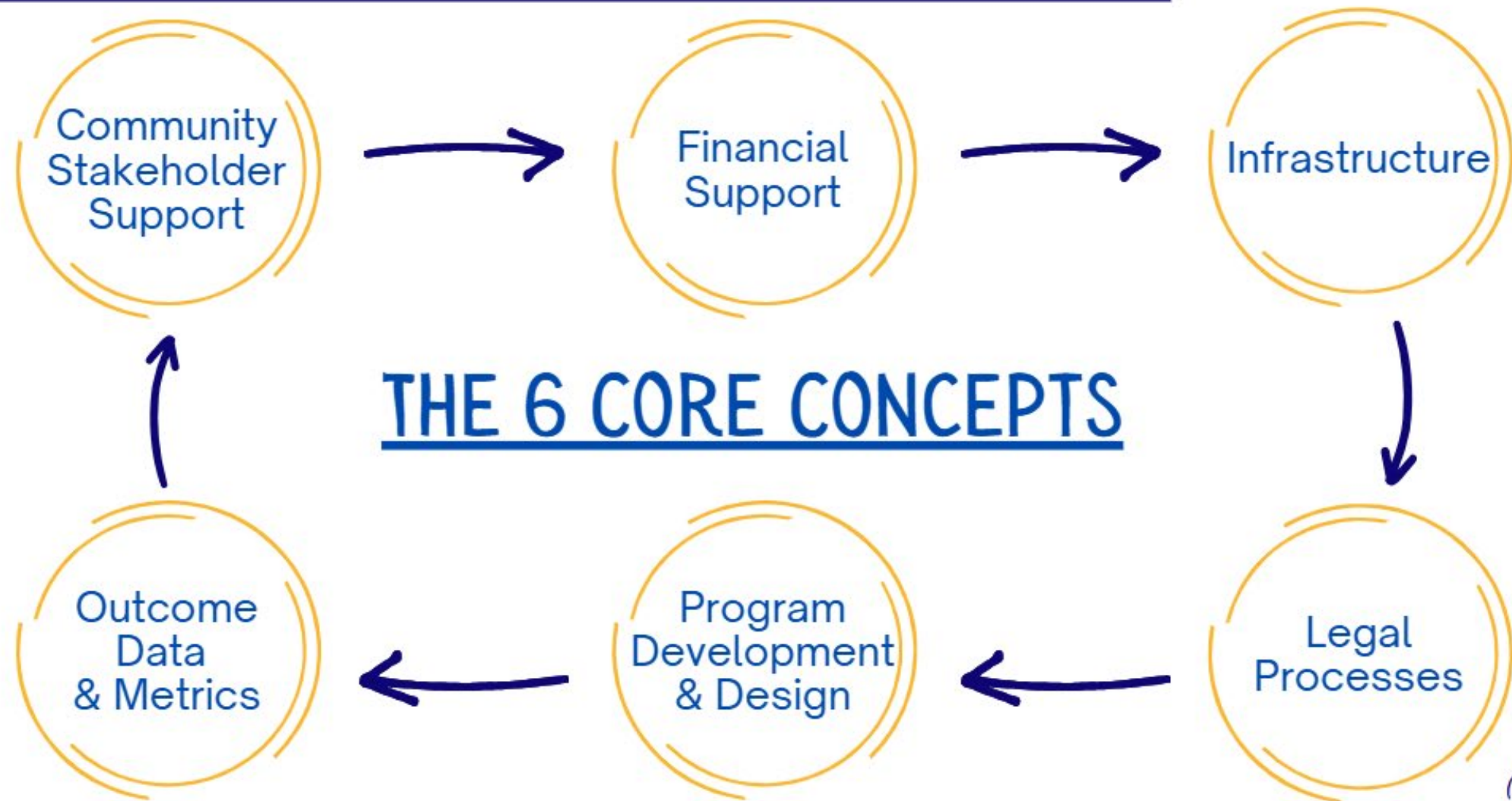
 *The* **HARRIS**
CENTER *for*
Mental Health and IDD

Public
Defender[★]
Office
Harris County, Texas



HARRIS COUNTY
HCSO
SHERIFF'S OFFICE

Jail Based COMPETENCY RESTORATION



(Holmes, 2024)

Court-Ordered Medications

- **Individuals with mental illness often refuse to take medication voluntarily**
- **Done in the best interest of the individual to improve their psychiatric condition, quality of life, and competency restoration status**

Purpose

- **Provide treatment to individuals who lack the capacity to make a rational decision regarding their medication**
 - Unable to weigh the risk versus benefit of medication due to condition
- **Psychoactive medication is a mainstay of competency restoration treatment**
 - Shortened time in jail, with the possibility of competency restoration before state hospital admission

Potential Impact

- **Improved quality of life**
- **Timely competency restoration in order to resume the adjudication process**
- **Decreased aggression**
 - Less possibility of self-injury
 - Less staff to manage aggression
 - Reduced chance of staff injury
- **Less budgetary constraints**
 - Less destructive behavior
- **Decreased state hospital length of stay, allowing others to access inpatient competency restoration**

Two-Step Process

- **Probate Court: Health & Safety Code, Ch. 574, Subchapter G**
- **Criminal Court: Code of Criminal Procedure, Art. 46B.086**

Probate Court – Court Findings

Capacity Standard -

- Lacks capacity to make a decision regarding the administration of proposed medication; *AND* treatment with the proposed medication is in the best interest of the patient. (Civil or Forensic inpatient)
 - Health & Safety Code §574.106(a-1)(1)

Dangerousness Standard –

- If the patient was ordered to receive inpatient mental health services by a criminal court with jurisdiction over the patient, that treatment with the proposed medication is in the best interest of the patient; *AND* the patient presents a danger to the patient or others in the inpatient mental health facility in which the patient is being treated. (Inpatient)
 - Health & Safety Code §574.106(a-1)(2)(A)
- If waiting in jail for at least 72 hours for transfer to inpatient competency restoration services (ordered in preceding six months) and presents a danger to self or others as a result of the mental illness; *AND* treatment with proposed medication is in the best interest of the patient. (IST Jail Detainee)
 - Health & Safety Code §574.106(a-1)(2)(B)

Dangerousness Standard – Finding of Danger

- **An assessment of present MH condition**
- **Inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical harm to self or another while in the facility**
- **Six months preceding date placed in facility: Inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical harm to another that resulted in placement in facility**
- **Health & Safety Code § 574.1065**

Best Interest of Patient

(applies to both standards)

- **Expressed preferences regarding treatment with the med**
- **Religious beliefs**
- **Risks/benefits from patient perspective**
- **Consequences to patient if med is not administered**
- **Prognosis for patient if treated with med**
- **Alternative, less intrusive treatments that are likely to produce the same results as the med**
- **Less intrusive treatments likely to secure the patient's agreement to take the med**
- **Health & Safety Code §574.106(b)**

Suggestion of Incompetency

Anyone can request. Court completes an Order for Competency Evaluation



1

Evaluation

Completed by provider.



Report of Evaluation

Sent to Court, D, State, Jail, LMHA, Clerk



Finding

Competent
(Enter waiver of obj. and Judg. Conf. Comp)

or

Not competent



2

Order of Initial Commitment

Court signs Order for Initial Commitment

3

Referral for Clinical Assessment

At suggestion of court, BTCS, or a party to the case, court signs Order for JBCR/OCR Assmt



4

Determined Eligible by BTCS

If an individual is determined eligible, BTCS will provide a letter to Court, State, D & to be filed under seal.



4a

Revised Order of Initial Commitment

If eligible, state prepares Revised Order of Initial Commitment to JBCR/OCR



5

Regular Reporting

BTCS provides regular updates on progress to Court, D, State & Filed.



5a

Extension

If competency is not restored in first 120 days, a 60 day extension may be ordered by the court.



6

Re-evaluation

BTCS will arrange for re-assessment when appropriate



Report of Evaluation

Sent to Court, D, State, Jail, LMHA, Clerk



Finding

Parties sign Waiver of Objections

Court signs Judgment Restoring



7

Case Returns to Docket



Jail-Based Competency Restoration (JBCR)

Program Eligibility

In jail custody, deemed IST & is not eligible for release on bail.

Must have a mental health diagnosis.

Psychiatric medication compliance

Is likely to restore during maximum commitment period.

Willingness to attend/engage in daily programming.



Recommendation Outcomes

Eligible for program (JBCR or OCR)

Eligible, but on wait list

Not Eligible for JBCR

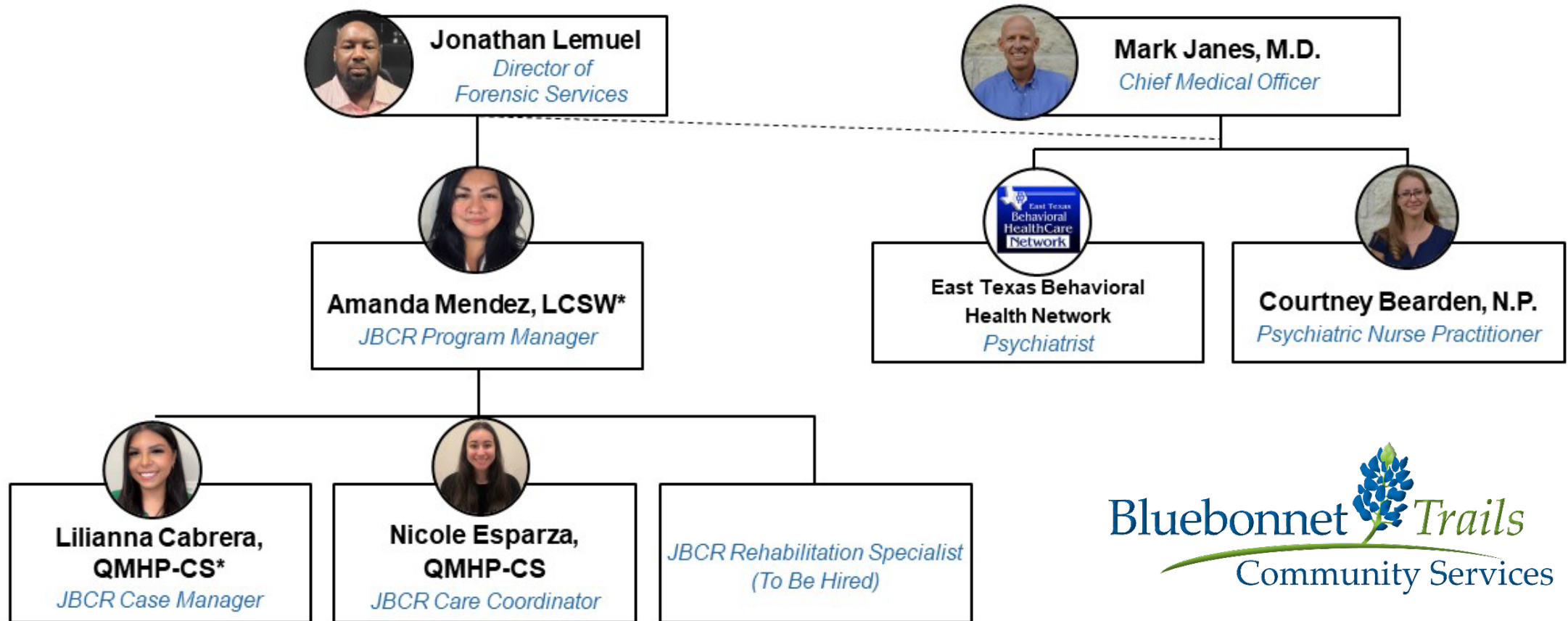
More Information is needed

JBCR team obtains the following collateral information:

- ✓ **competency evaluations**
- ✓ **Probable Cause (PC) report**
- ✓ **Jail records**
- ✓ **CARE databases**

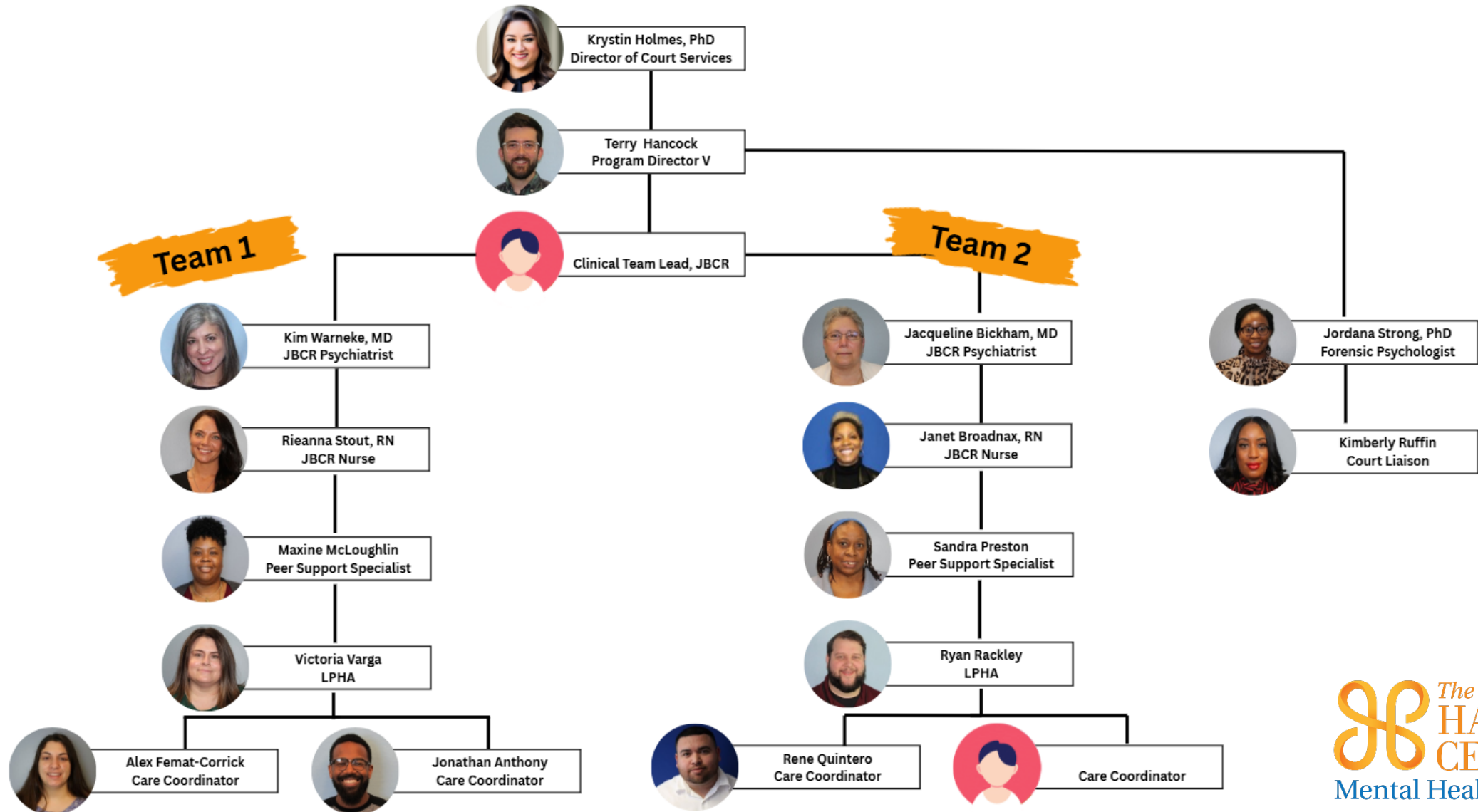
If initially ineligible, re-screenings are provided to monitor progress & to provide any additional treatment recommendations.

Bluebonnet Trails Community Services Jail-Based Competency Restoration (JBCR) Team

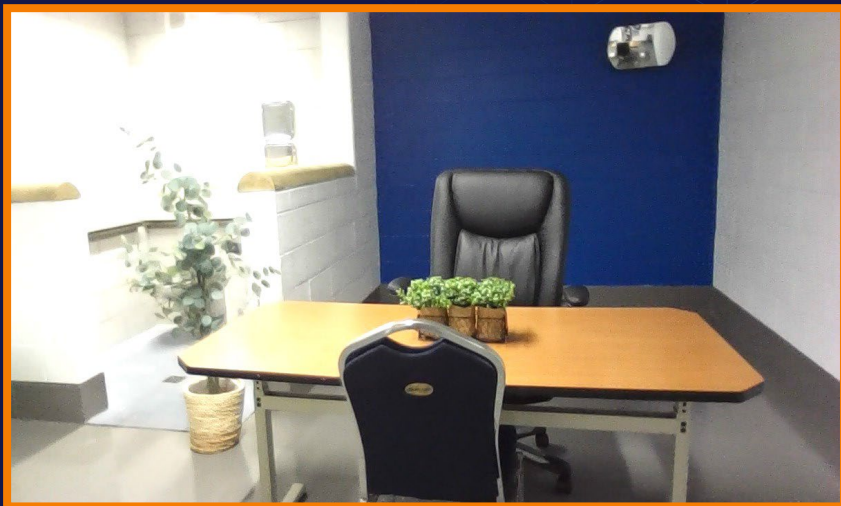


Communication: JBCR@bbtrails.org
*Bilingual clinicians

The Harris Center for Mental Health & IDD Jail-Based Competency Restoration (JBCR) Team



Welcome to J-Pod



JBCR Program Tank

 The
HARRIS
CENTER for
Mental Health and IDD



Empowerment Days

 **The HARRIS
CENTER** for
Mental Health and IDD



JBCR Curriculum

COMPETENCY RESTORATION CURRICULUM

TRAINER MANUAL



Texas State Hospitals



Rev. 07/05/2023



JBCR Curriculum

Harris County Sheriff's Office (HCSO)
Jail Based Competency Restoration (JBCR)

CompKit

Competency to Stand Trial Training
Resources

A Comprehensive Approach to
Competency Restoration Training for Criminal Defendants



Adapted by HCSO- JBCR, September 2020
CompKit was originally developed in 2005-2006 by
Florida State Hospital, Chattahoochee, Florida.
Revised August 2011

JBCR Beneficiaries & Benefits

The State of Texas & Williamson Co.

- Reduction in referrals to the State Hospital.
- Efficient use of resources
- Timely treatment for the lowest & highest acuity of mental health patients in the jail

The Courts

- Reduction in court time for IST cases
- Thorough & comprehensive reports
- Improved communication between all parties

The Participant

- Reduction in court & incarceration time.
- Efficient mental health treatment
- Connection to community resources for aftercare planning

Bluebonnet  Trails
Community Services



Harris County Outcome Data

Restoration Rate

- FY 2025 – 85%
 - 150 Admissions
 - ALOS 76 days
- FY 2024 – 90%
 - 145 Admissions
 - ALOS 58 days

Court Ordered Assessments

- Orders Rec'd – 443
- Completed – 350
 - Ref to OCR – 48
 - Ref to JBCR – 260
 - SHWL - 45

Court Ordered Medications

- FY 2025 – 25%
- FY 2024 – 47%



Suggestion of Incompetency

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Evaluation

Completed by provider.

FORM 5a

Report of Evaluation

Sent to Court, D, State, Jail, LMHA, Clerk

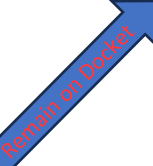


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for Clinical
Assessment
of court, BTCS, or a
se, court signs Order
R/OCR Assmt

4

Ext



FORM 6

Cause Number

THE STATE OF TEXAS § IN THE TH JUDICIAL

VS. § DISTRICT COURT OF THE STATE OF TEXAS

§ WILLIAMSON COUNTY, TEXAS VS.

60 DAY EXTENSION OF COMMITMENT IN JAIL BASED COMPETENCY RESTORATION PROGRAM FOR RESTORATION OF COMPETENCY UNDER ARTICLE 46B.080

Judge Presiding: HON.	Date Order Entered:
Attorney for State:	Attorney for Defendant:
Offense for which Defendant Charged:	
Date of Offense:	Statute for Offense:
Degree of Offense:	Defendant's Date of Birth:

On _____ (Date of Initial Commitment to the JBCR Program), the Court found defendant was incompetent to stand trial and committed defendant to the Williamson County Jail Based Competency Restoration Program (JBCR) for a period not to exceed 120 days pursuant to Texas Code of Criminal Procedure Articles 46B.073 and 46B.091.

The defendant has remained confined within the Williamson County Jail and has participated in the Jail Based Competency Restoration Program. The psychiatrist or psychologist for the Jail Based Competency Restoration Program has notified the Court that the initial Commitment Order is about to expire and has requested an extension for a period of 60 days under Texas Code of Criminal Procedure Articles 46B.080 and 46B.091(j).

Jail-Based Competency Restoration Program Manager

FORM 7

THE STATE OF TEXAS § IN THE JUDICIAL

VS. § DISTRICT COURT OF

§ WILLIAMSON COUNTY, TEXAS

WAIVER OF OBJECTIONS TO THE COMPETENCY REPORT

Now comes the Defendant, _____, by and through the attorney of record, and the State of Texas, by and through her District Attorney, waiving any objection to form, substance and admissibility of the competency report filed by _____ on _____. The State and the Defense join in requesting the Court to consider said report regarding the issue of the competency of the defendant. The State and the Defense request the Court make a determination that defendant is now competent in accordance with the opinion rendered in said report.

Date

Assistant District Attorney

Date

Attorney for Defendant

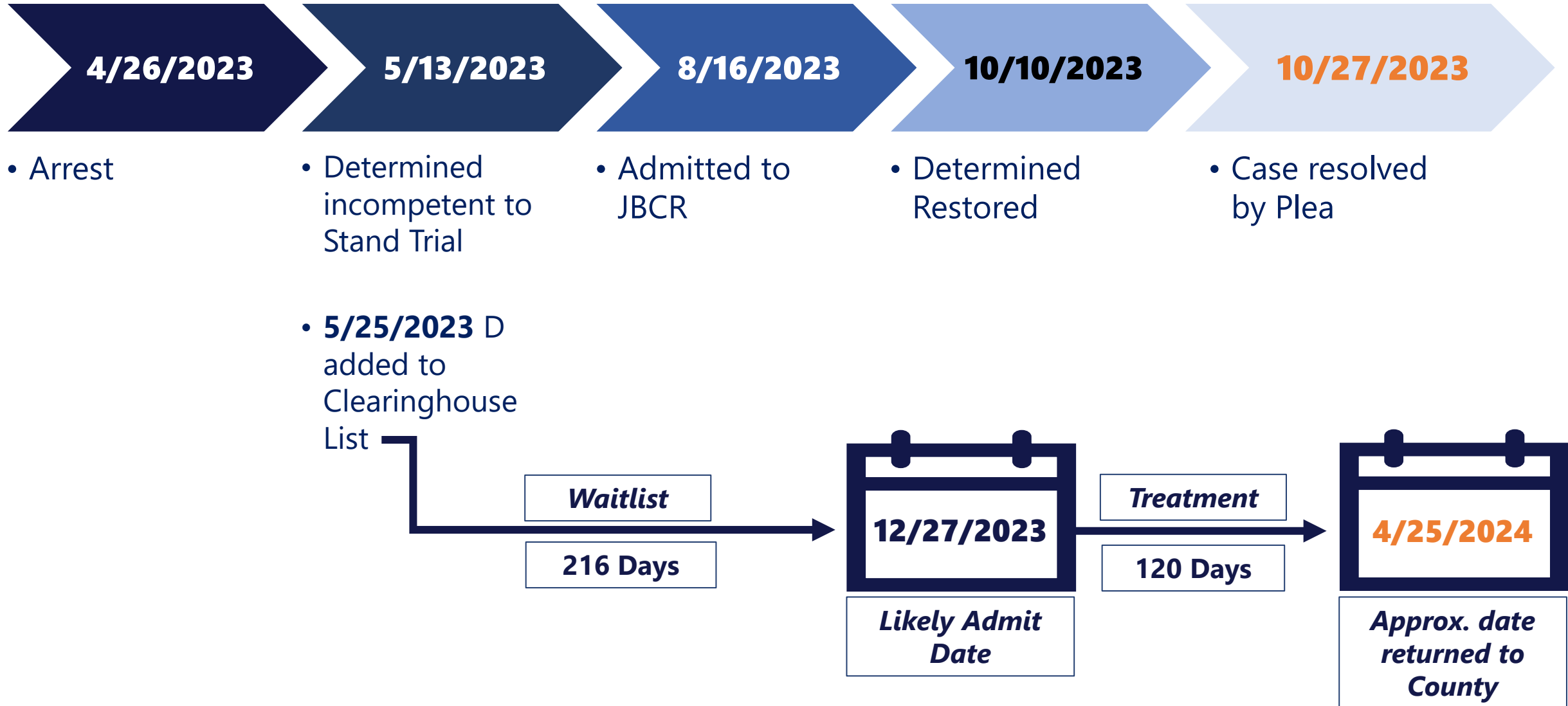
JUDGMENT RESTORING COMPETENCY

The Defendant, _____, having previously been found by the Court to be mentally incompetent to stand trial on _____, and having been committed for treatment to _____ for the purpose of restoring competency, and the Court having received and considered the report examination report of _____, and which is on file and which has been provided

turns to



An example...



What does this look like in practice?

July 2023	Williamson County Waiting List	Average Wait for Wilco Wait List
Non MSU	34	216
MSU Bed	8	433
Both Lists Combined	42	325

April 2024	Williamson County Waiting List	Average Wait for Wilco Wait List
Both Lists Combined	24	66



Thank you!

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