

JAIL-BASED COMPETENCY RESTORATION (JBCR)

Presented by

Jonathan Lemuel, QMHP-CS

Director of Forensic Services

Bluebonnet Trails Community Services

Jonathan.Lemuel@bbtrails.org



Ask about our CARF Accredited Programs and Services!





The Client



TEXAS
Health and Human
Services



Bluebonnet  Trails
Community Services

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)

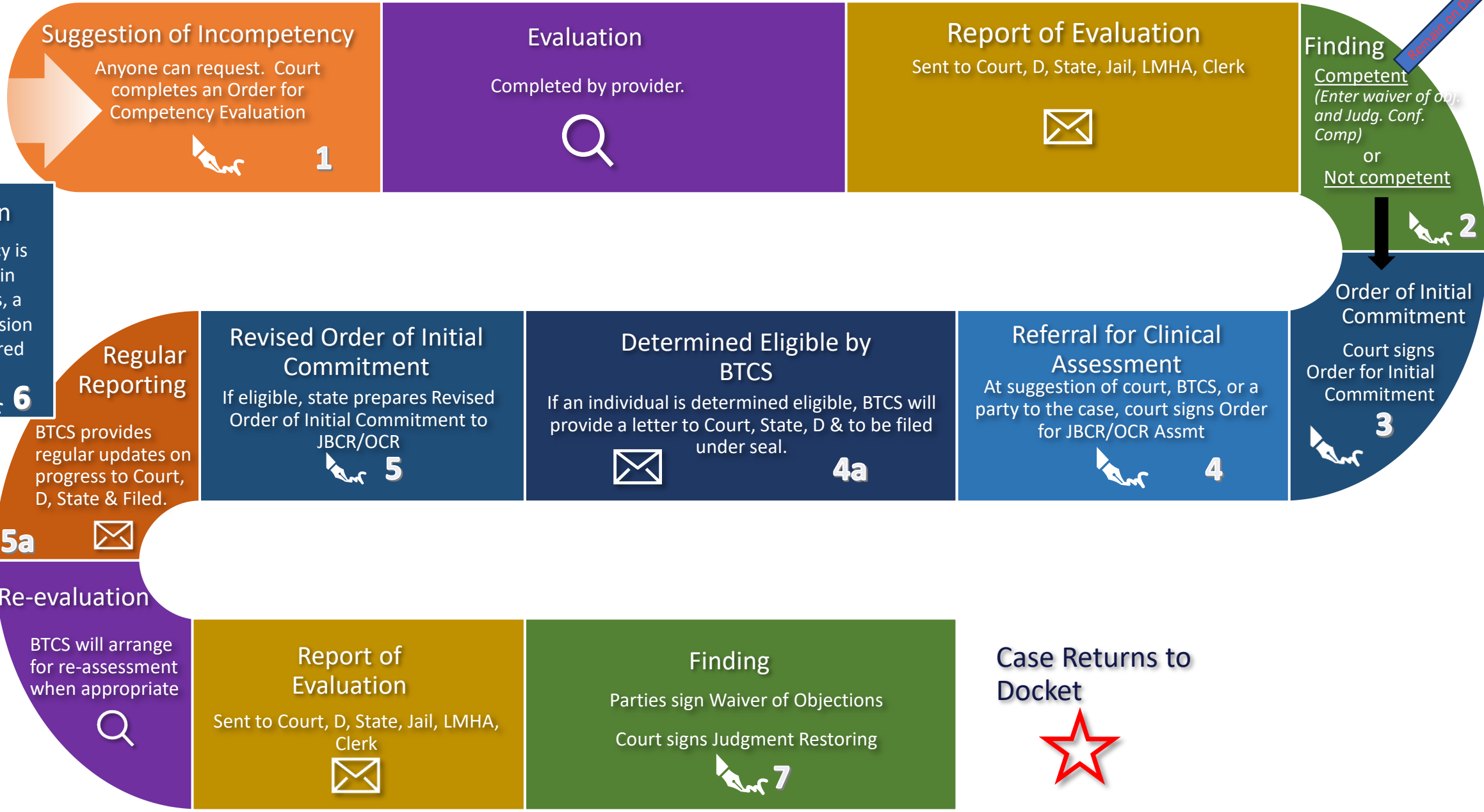
Dangerousness Standard – Finding of Danger

- **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)**



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

Return to Docket

Case Returns to Docket

THE STATE OF TEXAS §
VS. §
§ WILLIAMSON COUNTY, TEXAS

THE STATE OF TEXAS § IN THE JUDICIAL
VS. § DISTRICT COURT OF
§ WILLIAMSON COUNTY, TEXAS

ORDER FOR COMPETENCY EVALUATION

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

Evaluation
Completed by provider.

FORM 5

Cause Number
THE STATE OF TEXAS § IN THE JUDICIAL
VS. § DISTRICT COURT OF
§ WILLIAMSON COUNTY, TEXAS

ORDER FOR JAIL BASED COMPETENCY RESTORATION(JBCR)

Judge Presiding: 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:

es

September 27, 2023
46B.073

Cause No:
Type: Felony

The Court hereby ORDERS that Dr. and qualified in mental health or mental re Code of Criminal Procedure, Articles 46B.

The examiner shall submit a comp DCAComp@wilco.org within 30 days of t examining expert's opinion on the defend explain why the expert is unable to state such specific issues referred to the expert for exa defendant the purpose of the evaluation, the on rules of confidentiality applying to the rel terms, describe procedures, techniques and t procedure, technique or test; and the expert's specific issue referred to the expert by the expert could not provide an opinion.

Re-evaluat
BTCS will a
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when appi

On _____, the Defendant was found INCOMPETENT TO STAND TRIAL, based upon a competency evaluation submitted to the Court in which the examiner opines that the Defendant is likely to regain competency in the foreseeable future. That day, the Court signed an ORDER OF INITIAL COMMITMENT FOR 120 DAYS PURSUANT TO ARTICLE 46B.073. The Defendant remains confined in the Williamson County Jail pending competency restoration.

In accordance with Code of Criminal Procedure Article 46B.091, Williamson County, working with Bluebonnet Trails Community Services (BTCS), is operating a Jail-Based Competency Restoration Program in the Williamson County Jail. BTCS has requested the Court provide an order for Defendant to participate in that program. BTCS has further determined the Defendant will receive competency restoration services within 72 hours of arriving at the program. The defendant, through his attorney of record, _____, has agreed to participate in the Williamson County Jail Based Competency Restoration Program run by BTCS.

ORDER FOR COMPETENCY RESTORATION CLINICAL ASSESSMENT (OCR & JBCR COMBINED)

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

FORM 4a

es have received the Competency Evaluation Report er opines that the Defendant is currently incompetent cy in the foreseeable future.

with an offense listed in Texas Code of Criminal tment or information allege the use or exhibition of a Court must determine: (1) whether Defendant can be urther the Defendant should be committed to a mental ermined to be appropriate by the local mental health ration program. Arts. 46B.072 & 46B.073.

Court hereby orders BLUEBONNET TRAILS conduct a COMPETENCY RESTORATION termination, including substance abuse history and a ment approved by Texas Health and Human Services

attorney and the defendant appeared in person merits, the issue of the Defendant's competency vidence submitted by the parties, to include the

the Texas Administrative Code (TAC) 307.115 (b), please find ills Community Services' (BTCS) recommendation subsequent tency Restoration (JBCR) screening. _____ was 23 for the most appropriate treatment setting for restoration

_____ presents without history of mental health _____ is currently receiving voluntary psychiatric treatment via _____ review of the medical chart shows that _____ is taking all _____ bed and was last seen by the jail psychiatrist on 11/08/2023. Jail behavioral incidences or concerns.

_____ reports that if ordered to the JBCR Program, _____ is willing comply with all treatment recommendations that include: _____ ons as prescribed _____ on group and individual sessions _____ ally scheduled psychiatric appointments _____ r appointments (medical, dental, etc.) as arranged by JCBR &

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

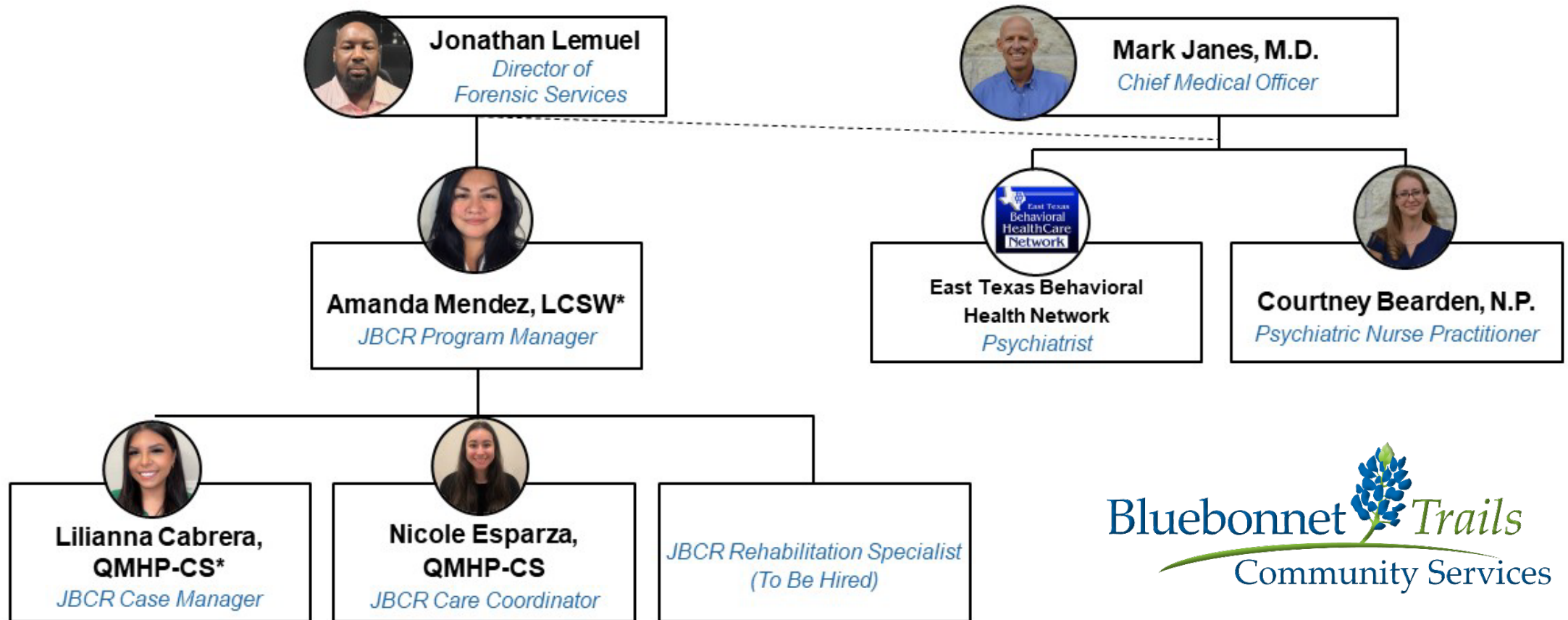
More Information is needed

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

Welcome to J-Pod



JBCR Curriculum

COMPETENCY RESTORATION CURRICULUM

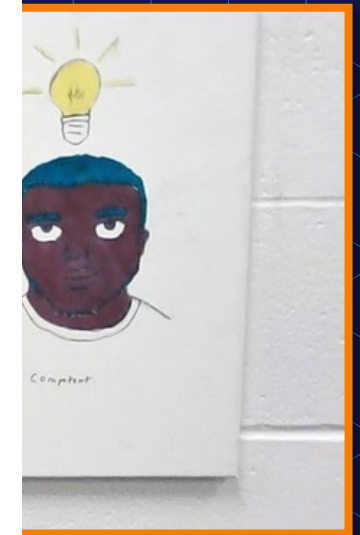
TRAINER MANUAL



Texas State Hospitals



Rev. 07/05/2023



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



Suggestion of Incompetency

Anyone can request. Court completes an Order for Competency Evaluation

Evaluation

Completed by provider.

FORM 5a

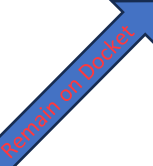
Report of Evaluation

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

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

4

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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

FORM 7

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:

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 submitted by _____, and which is on file and which has been provided

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 Texas Code of Criminal Procedure Articles 46B.073 and 46B.091.

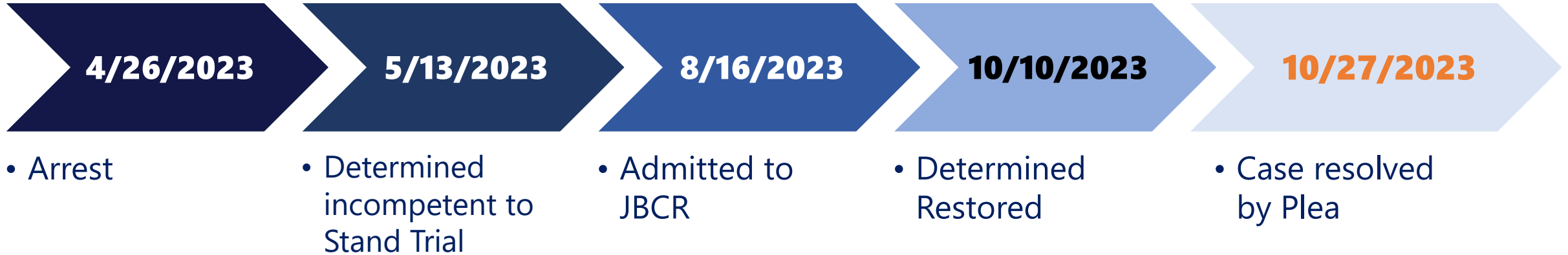
The defendant has remained confined within the Williamson County Jail and has participated in the Jail Based Competency Restoration Program. The psychiatrist or psychologist for the Jail Based Competency Restoration Program has notified the Court that the initial Commitment Order is about to expire and 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

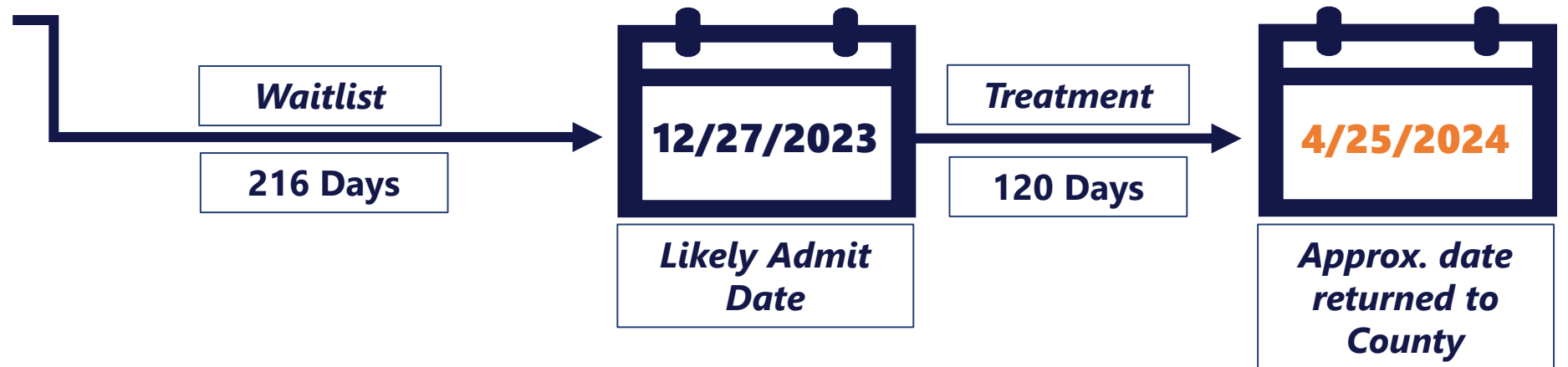
turns to



An example...



• **5/25/2023** D added to Clearinghouse List



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!

JBCR@bbtrails.org

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