Applicable Forms for Tex. CCP art. 16.22 Process

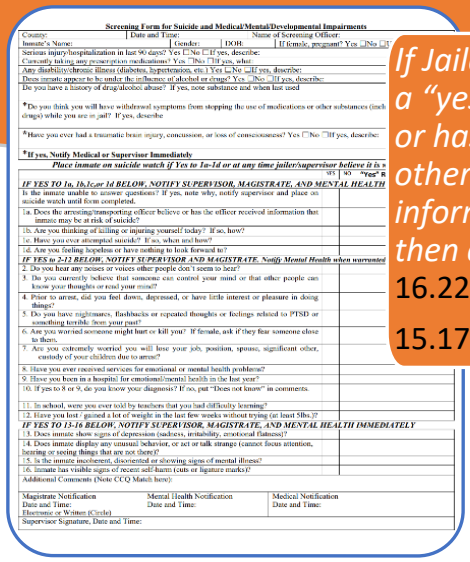
START

Police interaction / detention of defendant

Consider if Diversion under CCP 16.23 applies to situation

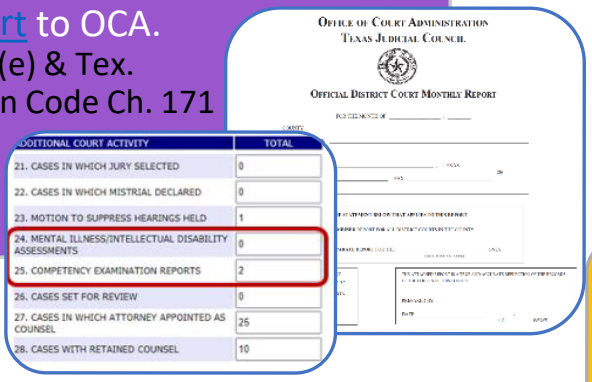
If not, & interaction becomes an arrest, Police take def. to jail

Jailer completes TCJS Screening Form


Screening Form for Suicide and Medical/Mental/Developmental Impairments

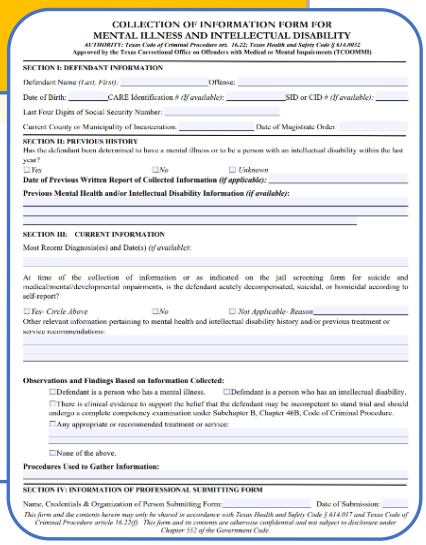
*If Jailer gets a "yes" answer or has **any** other credible information, then continue.*
16.22(a)(1) & 15.17(a-1)

Clerk documents number of 16.22 reports completed on Judicial Monthly Court Activity Report to OCA.
16.22(e) & Tex. Admin Code Ch. 171


OFFICE OF COURT ADMINISTRATION
TEXAS JUDICIAL COUNCIL
OFFICIAL DISTRICT COURT MONTHLY REPORT

ADDITIONAL COURT ACTIVITY	TOTAL
21. CASES IN WHICH JURY SELECTED	0
22. CASES IN WHICH MISTRIAL DECLARED	0
23. MOTION TO SUPPRESS HEARINGS HELD	1
24. MENTAL ILLNESS/INTELLECTUAL DISABILITY ASSESSMENTS	0
25. COMPETENCY EXAMINATION REPORTS	2
26. CASES SET FOR REVIEW	0
27. CASES IN WHICH ATTORNEY APPOINTED AS COUNSEL	25
28. CASES WITH RETAINED COUNSEL	10

LHMA / LIDDA / MH Provider returns 16.22 report (TCOOMMI form) to Magistrate


COLLECTION OF INFORMATION FORM FOR MENTAL ILLNESS AND INTELLECTUAL DISABILITY

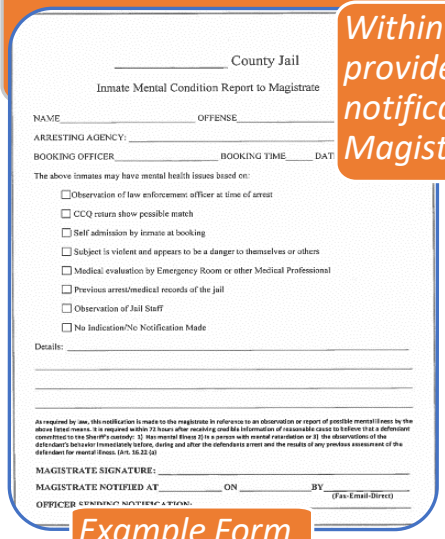
Within:
96 hours if defendant in custody;
30 days if Defendant out of custody
16.22(b)(1),(2)

Magistrate must give notice of 16.22 report to all stakeholders
16.22(b-1)

Stakeholders include:
- *Defense Counsel*
- *State's Attorney*
- *Trial Court*
- *Sheriff (or holder of medical records of D)*
- *Personal bond office/ director pretrial supervision dept.*

Police | Jail | Magistrate | LMHA | Clerk

Jailer fills out Magistrate Notification Form 16.22(a)(1)



_____ County Jail

Inmate Mental Condition Report to Magistrate

NAME_____ OFFENSE_____

ARRESTING AGENCY: _____

BOOKING OFFICER_____ BOOKING TIME_____ DAT

The above inmates may have mental health issues based on:

- ☐ Observation of law enforcement officer at time of arrest
- ☐ CCQ return show possible match
- ☐ Self admission by inmate at booking
- ☐ Subject is violent and appears to be a danger to themselves or others
- ☐ Medical evaluation by Emergency Room or other Medical Professional
- ☐ Previous arrest/medical records of the jail
- ☐ Observation of Jail Staff
- ☐ No Indication/No Notification Made

Details: _____

As required by law, this notification is made to the magistrate in reference to an observation or report of possible mental illness by the above listed means. It is required within 72 hours after receiving credible information of reasonable cause to believe that a defendant committed to the Sheriff's custody: 1) Has mental illness 2) Is a person with mental retardation or 3) the observations of the defendant's behavior immediately before, during and after the defendants arrest and the results of any previous assessment of the defendant for mental illness. (Art. 16.22 (a)

MAGISTRATE SIGNATURE: _____

MAGISTRATE NOTIFIED AT_____ ON _____ BY_____ (Fax-Email-Direct)

OFFICER SENDING NOTIFICATION: _____

Example Form

Within 12 hours, provides form as notification to Magistrate

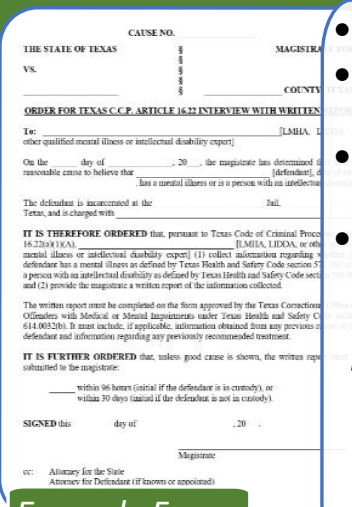
Magistrate :

- *Reviews notification form*
- *Reviews charges/ criminal history*
- *Meets with Defendant*
- *Communicates with LMHA/MH /LIDDA Provider*

If Magistrate determines there is reasonable cause to believe the Defendant has MI or is a person with IDD, then continue. 16.22(a)(1)

Note: The determination of reasonable cause to believe can arise from jailer notification or from Magistrate's own observations

Magistrate shall* order MH Provider to conduct 16.22 interview. 16.22(a)(1)



CAUSE NO. _____

THE STATE OF TEXAS § MAGISTRA

VS. §

§ _____ COUNTY

ORDER FOR TEXAS C.C.P. ARTICLE 16.22 INTERVIEW WITH WRITTEN

To: _____ [LMHA, LIDDA, or other qualified mental illness or intellectual disability expert]

On the _____ day of _____, 20__, the magistrate has determined [defendant], reasonable cause to believe that _____ has a mental illness or is a person with an intellectu

The defendant is incarcerated at the _____ Jail, Texas, and is charged with _____

IT IS THEREFORE ORDERED that, pursuant to Texas Code of Criminal Proce 16.22(a)(1)(A), _____ [LMHA, LIDDA, or oth mental illness or intellectual disability expert] (1) collect information regarding defendant has a mental illness as defined by Texas Health and Safety Code sections 5 a person with an intellectual disability as defined by Texas Health and Safety Code sect and (2) provide the magistrate a written report of the information collected.

The written report must be completed on the form approved by the Texas Correctio Offenders with Medical or Mental Impairments under Texas Health and Safety C 614.0032(b). It must include, if applicable, information obtained from any previous defendant and information regarding any previously recommended treatment.

IT IS FURTHER ORDERED that, unless good cause is shown, the written rep submitted to the magistrate:

_____ within 96 hours (initial if the defendant is in custody), or
_____ within 30 days (initial if the defendant is not in custody).

SIGNED this _____ day of _____, 20__.

_____
Magistrate

cc: Attorney for the State
Attorney for Defendant (if known or appointed)

Example Form

- *Not required if:
- *D no longer in custody; OR*
- *D only arrested on Class C Misd.; OR*
- *D had 16.22 interview & report done within year prior to arrest date AND court elects to use that report.*

16.22(a)(2)

LMHA/LIDDA/MH Provider Interviews defendant and makes report

Magistrate conducts 15.17 hearing (magistration)

- *Consider if CCP 17.032 is applicable*
- *Set terms & conditions of bond*
- *Enter bond terms into TCIC per CCP art. 17.50*