

Transforming Lives



Pathways to Competency Restoration: JBCR, OCR & Continuity of Care in Harris County

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Competency Restoration Assessment Unit



What is Competency Restoration

General Overview

- Competency Restoration is the process used when an individual charged with a crime is found by a court to be incompetent to stand trial (IST), typically due to an active mental illness or an intellectual disability. A defendant must be restored to competency before the legal process can continue (Texas Code of Criminal Procedure Chapter 46B, Dusky v. United States, 1960)
- The purpose of competency restoration is to restore the individual to functional legal status (competent) so that they may continue with their legal proceedings
- Factors used to determine competency
 - Rationally understand the charges against the defendant and the potential consequences of the pending criminal proceedings
 - Disclose to counsel pertinent facts, events, and states of mind
 - Engage in a reasoned choice of legal strategies and options
 - Understand the adversarial nature of criminal proceedings
 - Exhibit appropriate courtroom behavior AND testify

Awareness & Accountability

Competency Restoration sits at the intersection of awareness and accountability and it is only at this intersection that justice can truly be served.

Without awareness, an individual would be unjustly adjudicated by a system they cannot comprehend, and without accountability there can be no justice.

Just as it is morally wrong to punish those who are unable to understand the charges against them, it is also just as wrong to deny the victims of crime the justice and closure they deserve.

Herein lies the importance of Competency Restoration to society at large.



Competency Restoration Options in Harris County

Inpatient (HCPC/Dunn)



Jail Based (JBCR)



Outpatient (OCR)



**Harris County Psychiatric Center
(HCPC)**

2800 S MacGregor Way

Dunn Behavioral Sciences Center

5615 H. Mark Crosswell Jr St

**Jail-Based Competency
Restoration (JBCR)**

1200 Baker St

**Outpatient Competency
Restoration
(OCR)**

6160 S. Loop E

Beginning the Process

- Attorney-Client meet, competency is raised as an issue, evaluation is ordered
- Client opined incompetent to stand trial (IST), attorney files a 46B.073 motion to add client to the State Hospital Waitlist
- Attorney requests Order for Clinical Assessment (OCR, JBCR, or both)
- Court sends assessment order to Competency Restoration Assessment Unit
- Client now on the waitlist is monitored by Forensic Single Portal Authority (FSPA)

Competency Restoration Assessment Unit

1. Order received from the court
2. Assessment completed
 - OCR assessment conducted first, unless the order indicates the patient is a JBCR-only assessment
3. Disposition returned to the court, defense, and prosecution
4. If the court accepts disposition, an order for restoration in the designated CR program is provided to the CompRestoration email
5. Once orders are received to admit patient into the appropriate CR program, arrangements are made for the patient's intake to begin restoration programming



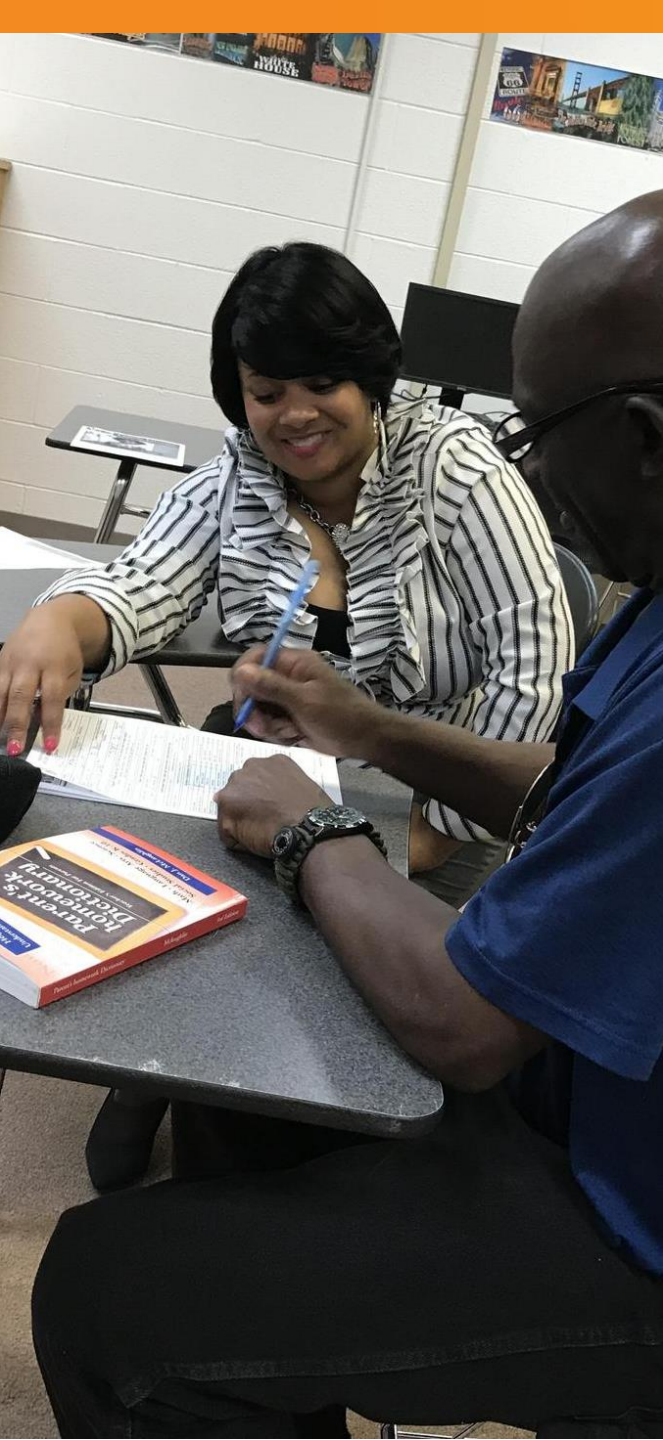
Competency Restoration Assessment Unit

- CompRestoration@theharriscenter.org
- JBCR and OCR are programs based on assessment orders
- Comp Restoration Assessment Unit began as one point of contact for all orders to be received for JBCR and OCR
- Assessment orders must be sent to the Assessment Unit in order for a JBCR or OCR assessment to be completed

Outpatient Competency Restoration

- **Basic Components**

- **Located at Jail Diversion Center (6160 S Loop E)**
- OCR is a 16 bed program that provides Competency Restoration services to individuals found incompetent to stand trial
- OCR utilizes a multidisciplinary treatment team to meet the psychiatric and biopsychosocial needs of the patient
- Harris County's OCR program is unique in that we have the ability to house patients on-site
- Residential and Commuter option (at discretion of the court)
- Competency Restoration programming provided (5) days per week, 10 am – 2 pm



Outpatient Competency Restoration

- OCR Assessment process requires much more scrutiny and clinical assessment
- Assessors are making decisions about clinical appropriateness of the patient and considering the safety of the patient, OCR staff, and other residents at 6160
- Licensed staff conducting the assessments are clinicians with 5 or more years of clinical experience
- A thorough records review in combination with direct assessment and collateral information informs assessment process

Outpatient Competency Restoration

- **Required Documents and Collateral Information**
- **Assessment Process:**
- **Records Review:**
 - **Most recent IST competency evaluation**
 - Past competency evaluations
 - Review Anasazi (Harris Center)
 - Review EMR (HCSO)
 - Review EPIC (Harris Center & HCSO)
 - Review MAR for med compliance, court ordered meds, etc
 - Offense report for current charge
 - Review past history of charges in district clerk's website
 - Request subsequent offense reports for any violent charges
 - Jail offense reports with a lookback period of two years
 - Inmate packet provided from the DA's office and any other records provided by defense counsel
- **Collateral Information**
 - Attempt to contact any family members to gather collateral information
 - Out On Bond Assessments-speak with the family member or friend that brought them
 - Talk with defense attorney's about past history and interactions, if any
- **Direct Assessment-** (intentional last step of assessment process)
 - Talk with security staff FIRST about patient's behavior- they observe pts 24/7
 - Meet with patient and discuss court ordered assessment

Outpatient Competency Restoration

- **Admission Criteria/Clinical Considerations:**
- A history of violence that is minimal or can be explained by psychosocial circumstances
 - i.e. a defendant who has assaultive behavior towards a family member with a clear history of interpersonal conflict vs indiscriminant violence towards unknown others
- HCR-20- Individuals scoring high on Future Violence and Imminent Violence are not considered.
- Few circumstances of violence in the jail. Its very difficult to never get in a fight with another inmate or a use of force, especially MH patients. Using clinical judgement as to the types of offenses documented in custody (i.e. failure to wear armband vs. assault on staff, assault on inmates etc.)
- History of treatment in outpatient (if any)
 - Continuous pattern of non-adherence to follow-up post hospital discharge. Most patients have some difficulty in maintaining appointments but the ability to discuss barriers to tx is a key indicator (i.e. transportation issues, homelessness status, family support etc.).
- Willingness to participate in the program and abide by program expectations
- Patient's ability to discuss their mental health history, treatment, and follow up
- History of previous successful restoration.
- Must be able to ambulate and attend to ADL's independently (or with minimal prompt).
- Must be mostly medication compliant with very few, or no, missed days of dosage
- Bond clients are almost always appropriate for OCR, **UNLESS** they are completely non-adherent to treatment, refuse to take any and all medications, or unstable to the point that they would be best suited for State Hospital

Outpatient Competency Restoration

- OCR uses a combination of multimodal educational tools such as individual and group education, and experiential activities to engage different types of learners.
 - Medication Management
 - Individual Therapy
 - Group Therapy
 - Recreational Therapy
 - Substance Abuse Education (COPSD)
 - Trauma Informed Care (TIC)
 - Wellness and Recovery Groups
 - Peer Support Services
 - Case Management and Discharge Planning

Outpatient Competency Restoration

- **Outcomes and Data** *(as of 5/31/22)*

- Restoration Rate: 71%

- Description of Participants

- Males: 71%
- Females: 29%

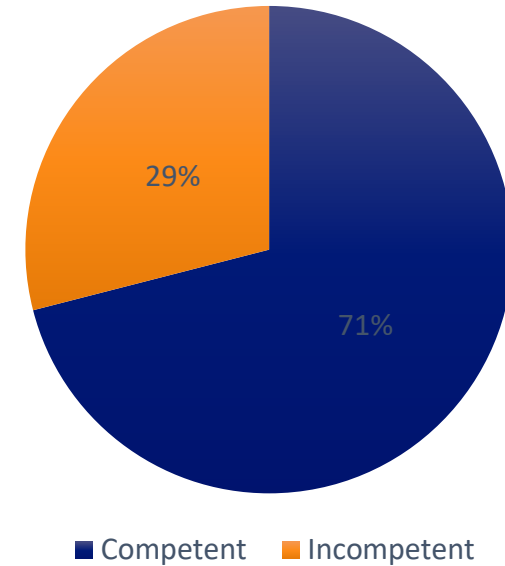
- Participant Status

- Jail: 54%
- Bond: 46%

- Residential Status

- Resides at 6160: 82%
- Commutes to 6160: 18%

OCR Restoration Rate (FYTD)



Jail Based Competency Restoration

- **Basic Components**

- **Located in the Harris County Jail (1200 Baker St)**
- JBCR is a 20 bed program that provides Competency Restoration services to individuals found incompetent to stand trial
- JBCR utilizes a compassionate, competent, person-centered approach designed to engage incarcerated individuals in the court-education process using a multidisciplinary treatment team in a jail-based setting
- JBCR is a joint collaboration between HCSO and The Harris Center that is funded by Health and Human Services
- The goal of the program is to provide competency restoration education to no more than 20 patients at a time in the hopes of the patient being opined competent to stand trial
- Treatment is commensurate with a competency restoration program at a State Hospital or an inpatient mental health facility
- The patients are housed in a designated mental health housing unit pod



Jail Based Competency Restoration

- **Mission and Goal**

- The mission of JBCR is to provide competency restoration services to individuals who are incarcerated and awaiting treatment at a state hospital or mental health facility
- The goal is to reduce or ameliorate the stress of incarceration while providing factual and rational court education services, individual and group therapy, co-occurring substance abuse services, trauma-informed care, peer support services, medication management and nursing services with a focus on individualized treatment designed to restore a patient's competency
- Investment in the patient as a whole person- increase the likelihood of an opportunity to make an impact on their life
- Not just treating this snapshot in time for purpose of competency restoration, but the person as a whole
- Looking at patient's circumstances- how they came to be in this circumstance and their support system outside of jail
- Discharge planning with the goal of reducing the likelihood of recidivism

Jail Based Competency Restoration

- **Services Provided in JBCR**
- JBCR uses a combination of multimodal educational tools such as individual and group education, music, educational movies, and experiential activities to engage different types of learners:
 - Medication Management
 - Individual Therapy
 - Group Therapy
 - Recreational Therapy
 - Substance Abuse Education (COPSD)
 - Trauma Informed Care (TIC)
 - Wellness and Recovery Groups
 - Peer Support Services
 - Case Management and Discharge Planning

Jail Based Competency Restoration

- **Why JBCR?**

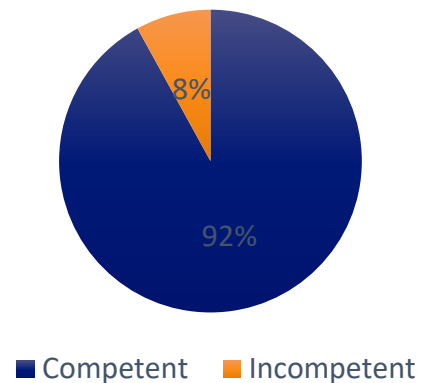
- State Hospital Waitlist
- Not limited by offense constraints (17.032 charges eligible for JBCR)
- Able to divert out of criminal justice system and into treatment and options for transition into hospital or stepdown at OCR
- Less costly than inpatient restoration services
- \$412/day -SH cost
- \$261.18/day- JBCR cost
 - \$161.39- The Harris Center
 - \$99.79- Harris County Sheriff's Office



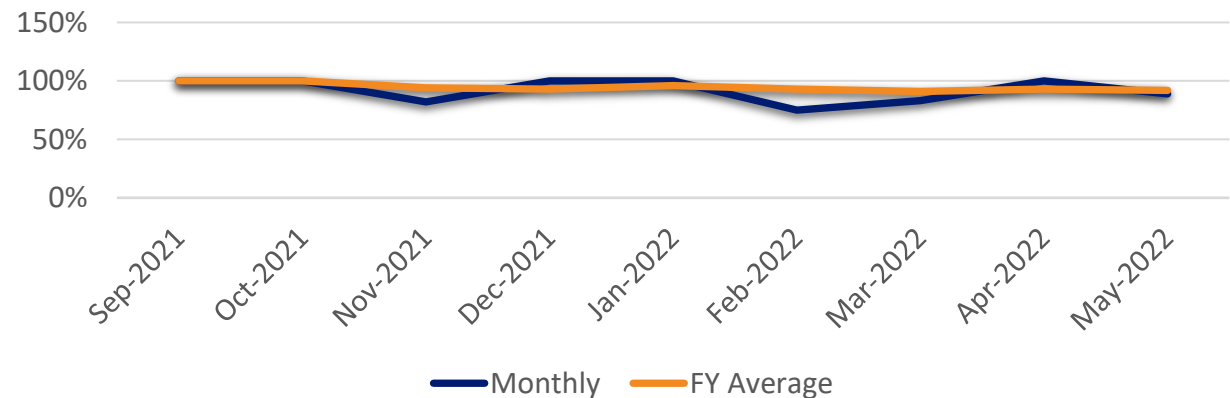
Jail Based Competency Restoration

- **Outcomes and Data** *(as of 5/31/22)*
- Restoration Rate: 92%
- Description of Participants
 - Males: 59%
 - Females: 41%
- Description of Charges
 - Felony: 86%
 - Misdemeanor: 14%

JBCR Restoration Rate (FYTD)



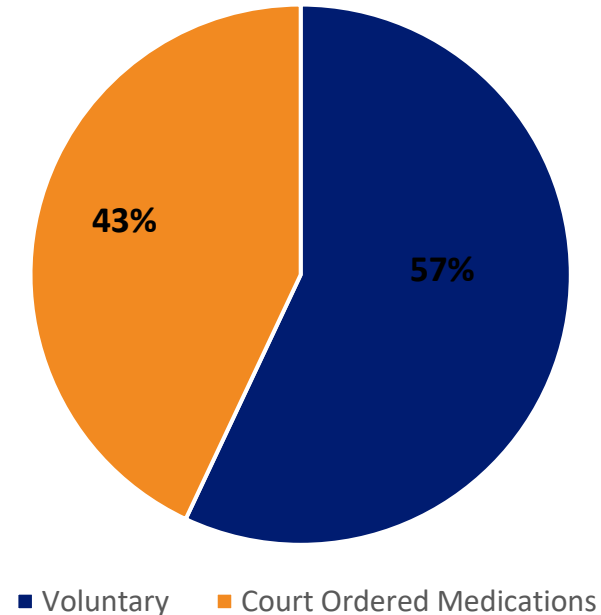
JBCR Restoration Rate- Averages by Month



Jail Based Competency Restoration

- **Outcomes and Data** *(as of 5/31/22)*
- Marked difference between programs with court ordered medications vs those without court ordered medication process in place (Wik, 2018; Ash et. al, 2020)
- Medication adherence greatly improves the likelihood of being restored to competency
- Streamlined process for filing medication petitions and obtaining court orders

Court Ordered Medications (05/31/22)



Continuity of Care

- The Forensic Single Portal COC staff are a portal of information from the courts to/from The Harris Center for patients waiting or returning from Competency Restoration Programs
- The Forensic Single Portal currently supports the following dockets related to competency restoration:
 - Felony Competency Restoration Docket
 - Felony CTI Probation Docket
 - Felony IDD Docket
 - Misdemeanor Mental Health Docket
 - Harris County Probate Court No 3 Court Ordered Medication Docket



Continuity of Care

- Forensic Single Portal (FSP) is housed inside the Harris County Jail
- Forensic Single Portal (FSP) COC Team member's duties:
 - The team is responsible for the clinical coordination and continuity of care of patients who are waiting for a state hospital bed at a competency restoration hospital program **and** who have returned to custody after completing competency restoration state hospital program and JBCR/OCR
- FSP Clinical coordination includes:
 - weekly medication compliance checks
 - clinical assessments of each patient in custody at least monthly
 - crisis response to security referrals and inmate requests
 - coordination for court ordered medication when necessary

Continuity of Care

- FSP Continuity of Care includes:
- working with the Harris Center UM department and state hospitals to ensure continuity at the time of a patients admission and discharge from competency restoration
- developing a solid court approved discharge plan prior to state hospital discharge to the community
- completing referrals to The Harris Center ACT program, New START program and AMH Clinics when a patient we monitor is going to be released from custody
- logistical coordination with 6160 programs, OCR, and JBCR programs
- **Contact FSP at: FSPCOC@TheHarrisCenter.org**

Thank You

Contact Information

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