

# COMPETENCY RESTORATION IN TARRANT COUNTY

Nelda T. Cacciotti  
JSC/Mental Health Magistrate



**April 5, 2019**  
**Commission Meeting**

## THE MENTAL HEALTH ISSUE IN CRIMINAL JUSTICE

- In 2016, the HHSC estimated that 37% of individuals in Texas prisons had contact with the public mental health system prior to their incarceration
- Between 2001 and 2016, the number of forensic commitments (competency restoration and NGRI) to Texas state hospitals more than tripled
  - April 1, 2019, 799 waiting for a forensic bed
  - 60 people currently on the waitlist in TC
  - Long Waits

Hogg Foundation - Texas Department of Criminal Justice and  
Local Criminal Justice Agencies  
HHCS Data



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## INCOMPETENT AND LIKELY TO BE RESTORED

- Court determines duration and place of commitment pursuant to art. 46B.071, 46B.072 or 46B.073
  - Outpatient
  - Jail-based
  - State Hospital
- Remain in custody awaiting transfer

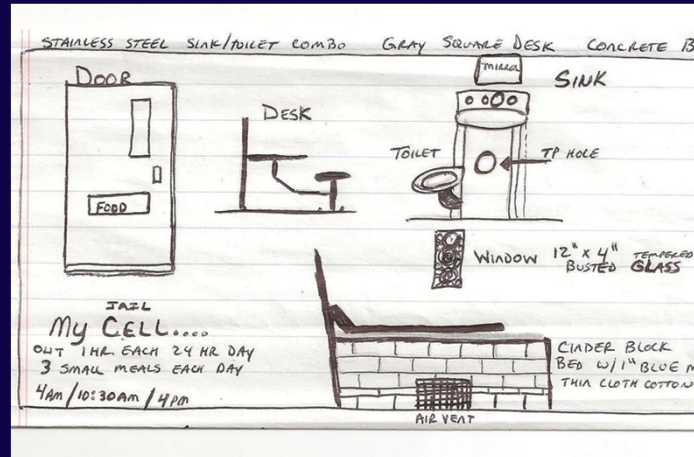


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## 148 DAYS



[www.jailhousestories.org/bill/](http://www.jailhousestories.org/bill/)



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## 2017 AMENDMENTS

CCP 46B key changes:

- Promote jail-based and outpatient/local competency restoration, reduce reliance on state hospitals for restoration
- New procedures for competency restoration of defendants charged with Class B misdemeanors
- Separate approaches to medical treatment and education components of restoration
- Expand jail-based competency restoration option



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## LOCAL RESTORATION TREATMENT

### Tarrant County

- Outpatient Competency Restoration Program (OCR)
- Jail-Based Competency Restoration Program (JBCR)
- Restoration Dockets
  - OCR
  - Competency Docket



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## RELEASE FOR OCR

- For D subject to an initial restoration period under art. 46B.071, the court is authorized to order release on bail and participation in OCR if the court determines D is:
  - 1) not a danger to others,
  - 2) may be safely treated on an outpatient basis for competency restoration, and
  - 3) an appropriate OCR program is available for D
- Available outpatient competency restoration treatment plan
- Subject to conditions reasonably related to ensuring public safety and the effectiveness of D's treatment



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Code of Criminal Procedure Art. 46B.0711 and 46B.072

## COURT CONSIDERATIONS

- Expert recommendation / program recommendation
- MH status / diagnosis
- Current charge
- Criminal history
- Appropriate OCR / JBCR program available
- Stability (medication compliance, cooperative, drug issues, housing, support system, etc.)
- Risk to the community/victim (OCR)




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## TARRANT COUNTY OCR

- Started in June 2008
- 3 staff: team lead and 2 senior case workers (QMHP)
- Contract with a psychologist for competency evaluations
- Staff cases with judge at least 1x/month
- OCR Docket and Competency Docket




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### OCR Client Progress Update


Name:				CID:			MHMR #:		
Case #(s)				Court:	CCC2		Offense(s)	POSS MARIJUANA U/ 2	
Program(s)	Case Manager			In Jail?	No		Book-In Date	7-8-18	
OCR	Serena Jefferys							7-9-18	
Start Date	120 end date	60 day rest	60 day end	1 yr request	1 year end	Extension Date			
11-8-18	3-8-19	2-22-19	5-7-19	4-23-19	5-6-20	4-22-20			
Address:									
Phone no./RO:									
Diagnoses									
1. Unspecified Psychosis									
Provider				Last Date of Service			Meds ordered, if not reasoning		
				12-13-18			NA		
Issues Address at Last Docket									
He is currently working at Goodwill. Daniel has struggled to understand the need for the program and had a outburst with Judge Walker the day the order was signed.									
Summary of activities since last docket									
Group(s) Attending: Daniel is meeting with case manager Serena as required. Daniel is learning the court terms and retaining the information learned. Daniel will be ready to test for competency soon.									
Baseline Score		Most recent Score		Date most recent Test		Date of next Test			
25		72.5%		2/14/19		3/7/2019			
Competency Goals				Notes				Mastered	
Does the individual have an appreciations of their charge(s)?								<input checked="" type="checkbox"/>	
Does the individual understand of the amount to time they could be sentenced for?								<input checked="" type="checkbox"/>	
Does the individual understand the court system?								<input type="checkbox"/>	
Does the individual have the capacity to assist their defense attorney?								<input checked="" type="checkbox"/>	
Does the individual have the capacity to behave in court?								<input checked="" type="checkbox"/>	
Does the individual have the capacity to testify on their own behalf?								<input type="checkbox"/>	
Personal Goals:		Notes			Timeline		Achieved		
							<input type="checkbox"/>		
							<input type="checkbox"/>		




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## TARRANT COUNTY OCR

- Restoration training 2x/week
- MH service coordination
- Medication education and management
- Co-occurring disorders education and training
- Housing assistance
- Employment assistance
- Rehabilitation training
- Transitional services following case disposition





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## JBCR PROGRAM IMPLEMENTED BY COUNTY

- Multidisciplinary treatment team
- At least one psychiatrist
- Provide restoration services through licensed or qualified MHP
- Provide same # of weekly restoration hours as SH
- Start restoration training within 72 hrs
- Provide MH treatment and substance use disorder treatment, as necessary, for competency restoration
- Supply clinically appropriate psychoactive medications for purposes of administering court-ordered meds

CCP Art. 46B.091



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## TARRANT COUNTY JBCR

- Started May 2018
- 3 staff: program coordinator and 2 senior caseworkers (QMHP)
- Jail psychiatrist
- Contract with psychologist for competency evaluations
- Takes place in Tarrant County Jail
- Restoration training, medication management, MH treatment, substance use disorder treatment
- Courts receive progress reports after the 21<sup>st</sup> day and 55<sup>th</sup> day
- Competency Docket



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Office Visit

JPS TARRANT CORRECTIONAL FACILITY-LAMAR  
Kaufman, Kendall J, PAC  
Physician Assistant  
Paroled schizophrenia +1 more  
Dr.  
Referred by: Hunt, Joel James, PAC  
Reason for Visit

Progress Notes

Tarrant County MHMR Forensic Mental Health  
Psychiatric Follow Up

CC: Medication Follow Up

**TC EVAL 10/21/19 MPE:** This is a 38 y.o. yr old male currently incarcerated in TCCC. Patient is housed on 408. Book in date 11/18/2018 on charges of criminal trespass. Not on meds in jail last time. Visited to PEC in May 2017 and was prescribed [redacted] Patient appears to be floridly psychotic today. He is paranoid and disorganized. He answers most questions with "I don't know". He mumbles most of his answers and rambles quietly to himself. He denies SUICIDAL but does appear to respond to internal stimuli during interview. The jail system indicates he has been found incompetent to stand trial. He is agreeable to restart [redacted] that he was last prescribed at JPS.

Current Meds:

Mental Status Exam

LOC:	Alert
Orientation:	Time, Person, Place and Situation
Appearance:	Unkempt
Motor Activity:	Calm
Behavior:	Cooperative
Eye Contact:	Fair
Verbal:	Slow
Mood:	neutral
Affect:	flat affect
Cognitive problems:	None
Hallucinations:	None
Delusions:	None
Thought Processes:	Concrete
Insight/Judgement:	Poor
Suicidal Ideation:	No
Homicidal Ideation:	No

AIMS ID

Assessment

DGM V Diagnosis:	1. [redacted] 2. [redacted]
Active Problem List:	Patient Active Problem List Diagnosis [redacted]

Plan:

- Housing per MHMR counselor recommendation and jail standards
- MHMR Staff Instructions: routine
- RTC: 2 weeks
- Risks, benefits and alternatives of the treatment discussed with the patient and patient voiced understanding and agreement with treatment plan. Patient gives verbal consent for medications ordered.

Electronic Signature  
Kaufman, Kendall J, PAC



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**Jail Based Competency Restoration Discharge Plan**  
Date: 4/3/19

Name:	[redacted]	MHMR #:	[redacted]	CID:	[redacted]
Current Offense(s)	CRIMINAL TRESPASS	Case Numbers	[redacted]	Number of Previous Charges	20
Birthdate / Age	[redacted]	Substance Use?	Methamphetamine Use	If yes, willing to go to inpatient?	YES
Diagnoses	[redacted]	Medication	[redacted]		
Reason for client's discharge	Based on face to face interactions with over 44 Effective Praise Interventions and 52 Effective Teaching Interventions client's average factual score is 98% and his average rational score is 96%.				
Referral provided for ongoing mental health and/or substance abuse treatment	MHMRTC forensic case management program				
Primary agency to which individual is being discharged to	MHMRTC				
Clinic	Last Date of Service	Provider	Duration		
407	3/26/2018	Wu, Xinyin MD	4/3/19 to present		
State Hospitalizations	ASH, NTH		Local Hospitalizations	JPS, TX also with MHMRTC	
Residential Status	Address [redacted]				
Employment Status	Employer [redacted]				
Benefits	None	Amount	None	Medical Issues	
NONE	Unknown	None	None	Family Support / Contact Numbers	
Sister/ Family	[redacted]				
Signatures					
JBCR Client	Navigator		Caseworker JBCR Program Coordinator		



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## THE CHALLENGES

- Lack of attorney involvement
- Non-restorable defendants
- Keeping defendants engaged
- No mechanism for court-compelled medications in OCR
- Wait list after JBCR



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## QUESTIONS?

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