



## SUBMISSION FORM

All submission forms must include the following information. Separate submission forms must be turned in for each eligible program. **Deadline: July 1, 2025.** Please include this submission form as the first page of your electronic entry. If you do not receive an email confirming receipt of your entry within 3 days of submission, please contact [Gage Harter](#).

### PROGRAM INFORMATION

County: Henrico County  
Program Title: Expediting Court Ordered Evaluations  
Program Category: Health & Human Services

### CONTACT INFORMATION

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### SIGNATURE OF COUNTY ADMINISTRATOR OR DEPUTY/ASSISTANT COUNTY ADMINISTRATOR

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## **Program Overview**

The program of expediting forensic evaluations for inmates in local jails who are symptomatic with psychiatric symptoms was developed over the last several years. The impetus for the program came from collegial conversations between the supervisor of the court evaluation team at Henrico Area Mental Health & Developmental Services (HAMHDS), judges, defense attorneys, and jail mental health staff who all identified cases when it was plainly obvious that the defendant was indeed incompetent to stand trial (and likely to remain so without intervention) but the system could not intervene to initiate treatment until a competency to stand trial evaluation (pursuant to Virginia Code §19.2-169.6) had been completed. The program involves the rapid identification of such cases and the rapid completion of the court ordered evaluation so that the issue of competency to stand trial can be quickly (but reliably) adjudicated and the individual can be court ordered for treatment to include judicial authorization of treatment (when indicated). An agreement was reached that whenever jail mental health staff, judges, or attorneys become aware that a very psychiatrically symptomatic inmate who is refusing treatment in the jail setting (but who did not meet the criteria for involuntary hospitalization pursuant to § 19.2-169.6) has also been ordered for a competency evaluation by HAMHDS, they will contact the HAMHDS forensic evaluation team who will expedite completion of the court ordered evaluation. Countless research studies have shown the long-term benefits of initiating psychiatric care (with the use of psychotropic medications) quickly when the individual is acutely symptomatic. Individuals who receive rapid care are less likely to have lingering symptoms, less likely to experience permanent damage to their health and often experience resolution of their psychiatric symptoms more rapidly. Practically speaking, a defendant cannot move forward

in resolving their legal charges until they are deemed competent to stand trial, thus initiating rapid treatment can shorten their jail stay.

### **Problem/Challenge/Situation Faced by Locality**

National, state, and local statistics have consistently shown that there are a disproportionately high number of individuals with serious mental illnesses who are confined in local jails. Research has also repeatedly shown that individuals with serious mental illness spend more time in jail waiting for resolution of their legal charges than do defendants (with similar charges) who do not suffer from a serious mental illness. Data analysis has shown that part of the delay in resolving the pending criminal matter is related to the court or attorneys raising a question about a defendant's competency to stand trial. State law requires that a defendant must be competent to stand trial to enter a plea or otherwise resolve their legal charges and legal ethics require judges and attorneys to seek an evaluation whenever there is doubt about a defendant's competency. Over the last five years, both statewide and local data have shown a significant increase in the number of cases where the issue of competency to stand trial has been raised. Due to a variety of factors, it often takes 30-45 days to have a competency evaluation completed and many of these defendants are being housed in the local jail while they await the evaluation. For some defendants, it is abundantly clear that they are in fact incompetent to stand trial but the court must obtain an evaluation before adjudicating the issue. All the while, the defendant remains in the local jail, often refusing treatment, and being actively symptomatic. While there are mechanisms in state law that allow for the involuntary psychiatric hospitalization of inmates, the criteria for hospitalization are high and many individuals, while actively symptomatic, do not meet the criteria often because they are being housed in a

secure setting. Federal law has long established that jails have a constitutional obligation to provide access to care (to include mental health care) to individuals in their custody and allowing a symptomatic individual to go without care creates legal risk for the locality and risk to the individual experiencing symptoms.

### **How The Program Fulfilled Award Criteria**

The program is a low-cost, innovative solution to address a problem likely experienced by most counties in Virginia. The program did not require any new investment in resources but rather was developed through a reprioritization of duties and establishment of communication pathways across several entities. The program involves intergovernmental cooperation/collaboration between the County Sheriff, the local Community Services Board, the Courts, and the attorneys involved in prosecuting/defending cases. Finally, the program could easily be replicated, either in full or in part, in other localities.

### **How The Program Was Carried Out**

Henrico Area Mental Health and Developmental Services (HAMHDS) has a long history of employing forensic psychologists to complete court ordered evaluations. HAMHDS is one of only a handful of Community Services Boards (CSB)/ Behavioral Health Authorities (BHA) that employ forensic psychologists. HAMHDS also provides the clinical staff to provide mental health care in the jail and again this is somewhat unique in the CSB/jail system. While the Code of Virginia allows the court to appoint any qualified psychologist/psychiatrist to complete court ordered mental health evaluations, there are some circumstances when having a CSB psychologist perform the evaluation is beneficial to the court, the individual,

and the overall system. This is the backdrop for the development of the protocol to expedite the evaluations.

The general standard of practice of forensic clinicians is to complete evaluations in order based upon the due date for the evaluation. Practically speaking, since Competency to Stand Trial is temporal (and at times can be fleeting) most often evaluators complete the evaluation approximately a week before the due date (which often is the date of the next court hearing). While this practice is sensible for many cases, there are some defendants who are so clearly incompetent (due to symptoms of their mental illness) and who refuse psychiatric treatment in the jail who may remain in the jail for weeks or months (untreated) solely due to scheduling practices as the appointed forensic examiner is unaware of the individual's decompensated mental status. Due to the difficulty in scheduling the judge, Commonwealth Attorney, and defense attorney to all be present in the courtroom on the same day, at times hearings to adjudicate the issue of competency to stand trial may not be scheduled for months thus contributing to delays in initiating treatment (because Virginia Code §19.2-169.1 (E) requires there to be a hearing in cases where inpatient hospitalization may be contemplated/ordered).

The objective of this program was to establish system(s) to notify HAMHDS forensic evaluators of cases where the court had appointed HAMHDS as the evaluator and when the defendant is in the Henrico Jail(s), is actively symptomatic, and refusing to accept voluntary care. Virginia Code (see §19.2-169.1 & §19.2-169.2) allows for defendants adjudicated incompetent to stand trial to be admitted to a state psychiatric facility for the purpose of receiving treatment to attempt to restore their competency to stand trial. Additionally, Virginia Code §37.2-1101 allows for Courts to authorize treatment over an individual's

objections to include in some cases when treatment with antipsychotic medications is needed in order to restore competency to stand trial and the person has been involuntarily committed.

In practice, the judge, Commonwealth Attorney, defense attorney, jail staff, or jail mental staff may contact the HAMHDS forensic evaluation team if there is an inmate who has been ordered for a competency to stand trial evaluation and the individual is actively psychiatrically symptomatic. The HAMHDS forensic evaluation team then checks to see if HAMHDS has been appointed as the evaluator of competency to stand trial and if so the evaluation is expedited. Expediting an evaluation may entail re-assigning the case to an evaluator who can get to the jail within a day or two and also get the evaluation written up or having the assigned evaluator re-prioritize their other evaluations. In this way, if jail mental health staff were working with a defendant who was very symptomatic (but did not meet the criteria for involuntary hospitalization pursuant to §19.2-169.6) and was refusing treatment in the jail they could determine if a competency evaluation through HAMHDS had been ordered (thus providing a possible alternative route to get the individual the psychiatric treatment they needed). The supervisor of the court evaluation service had internal discussions with the forensic evaluation team members about prioritizing such referrals and agreeing to share resources in cases where the assigned evaluator's schedule would not permit rapid evaluation. Generally (as scheduling permits) the assigned forensic psychologist will travel to the jail within 1-3 days and will complete the evaluation. The psychologist then quickly gathers any additional collateral materials and generally prepares the written report within 1-2 days of having evaluated the defendant. The goal is to expedite those cases where the client is clearly incompetent and requires inpatient hospitalization without jeopardizing the quality/thoroughness of the evaluation.

As part of the development of this program, the supervisor of the court evaluation team informed judges/attorneys that if they had cases where they had appointed HAMHDS to complete a competency to stand trial evaluation of a defendant who appeared acutely symptomatic they could notify HAMHDS of this fact and in turn HAMHDS would expedite completion of the evaluation. The evaluation supervisor worked with the judges and secured their commitment to convene expedited hearings (as required in §19.2-169.1 (D)) in cases where the defendant indeed appeared incompetent to stand trial and when, in the evaluator's opinion, inpatient hospitalization was necessary to restore the individual's competency to stand trial. Finally, the supervisor has presented at local judicial and/or bar conferences on the program and how attorneys can help facilitate completion of expedited evaluations.

### **Financing and Staffing**

There was no added capital costs associated with this program. The county did not incur any additional operating costs, as the court evaluation team at HAMHDS already existed, as did the mental health staff in the jail, the judges, and the attorneys. Rather, the program entailed a re-prioritization of duties/activities.

Since many counties/CSBs/BHAs do not employ psychologists, there would be an additional cost of hiring a qualified forensic psychologist. Average salaries for entry level forensic psychologists are approximately \$110,000 + benefits.

Establishment of this program was made easier by the fact that HAMHDS not only has a forensic evaluation team, but it also provides the mental health care in the jails – which allows for better communication given that there is a shared electronic health record; as at its core the program involves coordination of care (which is an area of exception to the requirement for patient consent). The program could be replicated even if the county/CSB/BHA does not provide the jail based mental health services but this would require buy-in/cooperation from the jail & the service provider and appropriate legal advisement on health privacy issues.

Currently this program only entails cases where HAMHDS has been appointed by the court to complete the evaluation. While theoretically the program could be expanded to cases where the court has appointed a private evaluator, this would involve increased systems collaboration/cooperation, agreement by and ability for private evaluators to prioritize these cases, and legal advisement on any limits to communication secondary to health privacy laws.

While not directly related to this program, the fact that Henrico General District Court operates a mental health docket has been an asset to the start-up and continuation of this program. Henrico County has judges who are passionate about mental health issues and clerks who are willing to help coordinate expedited hearings (as necessary). Cases where the defendant has been adjudicated incompetent to stand trial and ordered for inpatient competency restoration are moved to the mental health docket for monitoring/oversight. A jurisdiction without a mental health docket could replicate this program but would need buy-in from the judiciary and the local attorneys.



## Program Results

Over the course of the last calendar year, a total of 18 individuals were referred for expedited evaluation. Fourteen of the referrals came from jail mental health staff (generally supervisory staff) and four came directly from the court (via a message from a clerk of court). In all cases, the evaluation was completed well before the established court date. In one case, the evaluation was completed six weeks before the next established court date. On average, expedited evaluations were completed 20 days before the established court date, whereas HAMHDS policy dictates that non-expedited evaluations are to be completed at least two days prior to the established court date. In the cases referred by jail staff, 100% of the individuals had been evaluated for possible involuntary commitment (pursuant to §19.2-169.6) but found not to meet the criteria for commitment – meaning the individuals were acutely impaired but not so impaired as to pose a substantial likelihood of risk of harm to self or others, although often this was due to the individual being housed in a restricted setting with little access to items which could be used to harm self/others but at the cost of privacy and autonomy and at times at the detriment to their mental status. In 100% of the cases, the forensic evaluator opined that the defendant was incompetent to stand trial AND required inpatient hospitalization in order to restore their competency. In 100% of the cases, the court concurred with the finding and ordered that the individual be hospitalized to restore their competency to stand trial. HAMHDS does not have access to and/or track the percentage of cases where the court expedited the hearing and how many days were saved by expediting the hearing. HAMHDS received feedback on only one case that the individual did not actually suffer from a psychotic illness but instead was malingering symptoms of psychosis, but the consensus was that inpatient admission was necessary to arrive at this diagnostic formulation. Consistent with other, non-expedited cases, a majority of individuals

were ultimately restored to competency and able to resolve their legal charges. HAMHDS has not tracked the length of time to be restored or made comparative analysis regarding whether expedited evaluation results in a shorter period of restoration. The long-term effects of expedited evaluations on medication adherence, psychiatric stability, long-term recovery, and need for subsequent competency evaluations have yet to be studied. HAMHDS has received positive feedback from judges/attorneys about the benefits of having access to expedited evaluations. The jail administration has also expressed positive feedback about the process and the resulting rapid ability to get very psychiatrically symptomatic inmates committed to a psychiatric hospital where they can receive the needed treatment.

## **Executive Summary**

Henrico Area Mental Health & Developmental Services (HAMHDS) in collaboration with the Henrico County Courts, and the Henrico County Sheriff's Office have established a process to identify those individuals who are acutely symptomatic and in need of urgent mental health care and who have been ordered to undergo an evaluation of their competency to stand trial. The overall purpose of the program is to enhance communications between the court, the jail, and the appointed evaluators thus allowing for expedited completion of the court ordered evaluation. In turn, the courts have established protocols for convening expedited court hearings to adjudicate the issue of Competency to Stand Trial and when necessary, refer the individuals for involuntary inpatient psychiatric care. The goal of the program is to minimize delays associated with scheduling the evaluations and to ensure the forensic psychologists are made aware of any defendant who is acutely symptomatic, refusing to voluntarily accept treatment in the jail, and thus likely is incompetent to stand trial and ultimately will require inpatient hospitalization. Over the course of the last calendar year, 18 individuals have been referred for expedited evaluations. On average, expedited evaluations are completed 20 days quicker than non-expedited evaluations. The result is the individual being hospitalized and able to receive needed specialized care much more quickly than if the evaluation had not been expedited.