



# Competency Restoration Overview

Indiana Council  
Winter Quarterly Meeting  
2/9/2023

# WHAT IS...

## ***Competency***

- A defendant understands the nature of the court process, including a grasp of the charges and parties involved
  - Ensures that the criminal defendant can rationally assist in his or her own defense
  - Protected by the ***Sixth Amendment***: A fair trial to criminal defendants



## ***Incompetency***

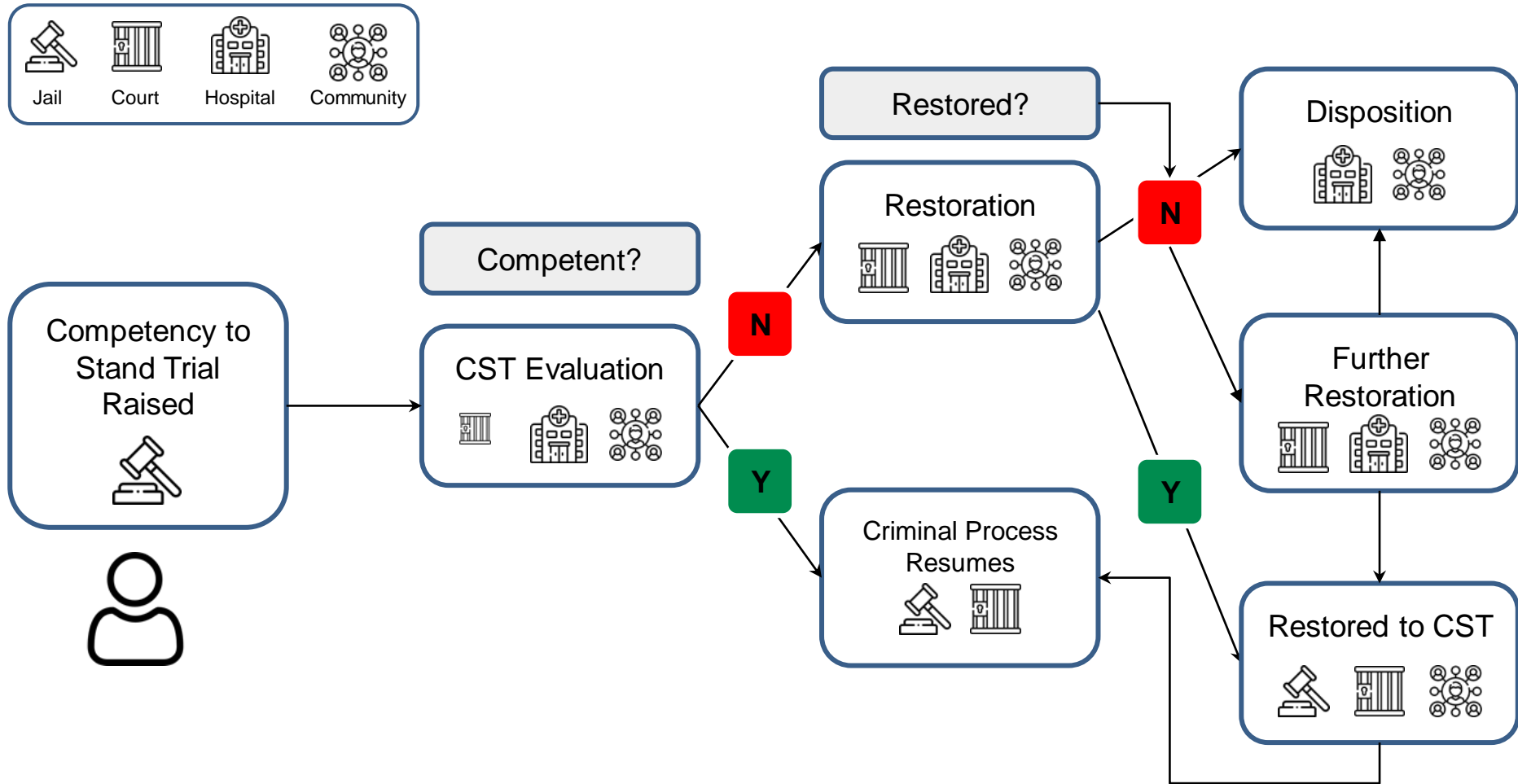
- A defendant deemed *incompetent* lacks the fitness to stand trial
- They are unable to help in defending their own charges



## ***Competency Restoration Process***

- Mental health treatment and legal education for justice-involved individuals for the purpose of restoring their competency to stand trial
- The Indiana Division of Mental Health and Addiction (DMHA) provides these services through various pathways

# COMPETENCY TO STAND TRIAL PROCESS



# A GROWING NEED

Despite the rise in competency restoration orders, resources and support have not proportionally increased. We are serving more forensic patients than the system was originally designed for.

**Restoration of Competency Orders per Calendar Year (2013-2022)**

Competency Restoration Referrals



DMHA data as of 12/31/2022



# KEY CHALLENGES

As with multiple states, Indiana has seen a progressive increase in the number of forensic patients in need of State Psychiatric Hospitalization (SPH), particularly those ordered to undergo competency restoration.

**209%**

increase in number of individuals found incompetent to stand trial and committed to the State for competency restoration in past 5 years



Based on several factors, the network experienced a significant waiting period for available SPH beds and forensic backlog



Overcrowding of jails



Jails as primary gatekeeper for mental health treatment, despite limited capacity and knowledge



Massive increase of forensic referrals over last 10-12 years with no additional funding to meet the need

# OUR RESPONSIBILITY

## Ethical obligations



### Responsibility

- In a justice system burdened with well-known and inherent biases, we must ensure patient rights aren't subverted during a fast-paced, high-stress legal process
- State plays a key role in coordinating services and supports across the spectrum
  - Duty to ensure timely and appropriate resources



### Advocacy

- We must simultaneously keep communities safe and advocate for our patients



### Health

- Significant waiting times for an SPH placement may negatively impact mental health

## Legal obligations



### Right to a fair trial

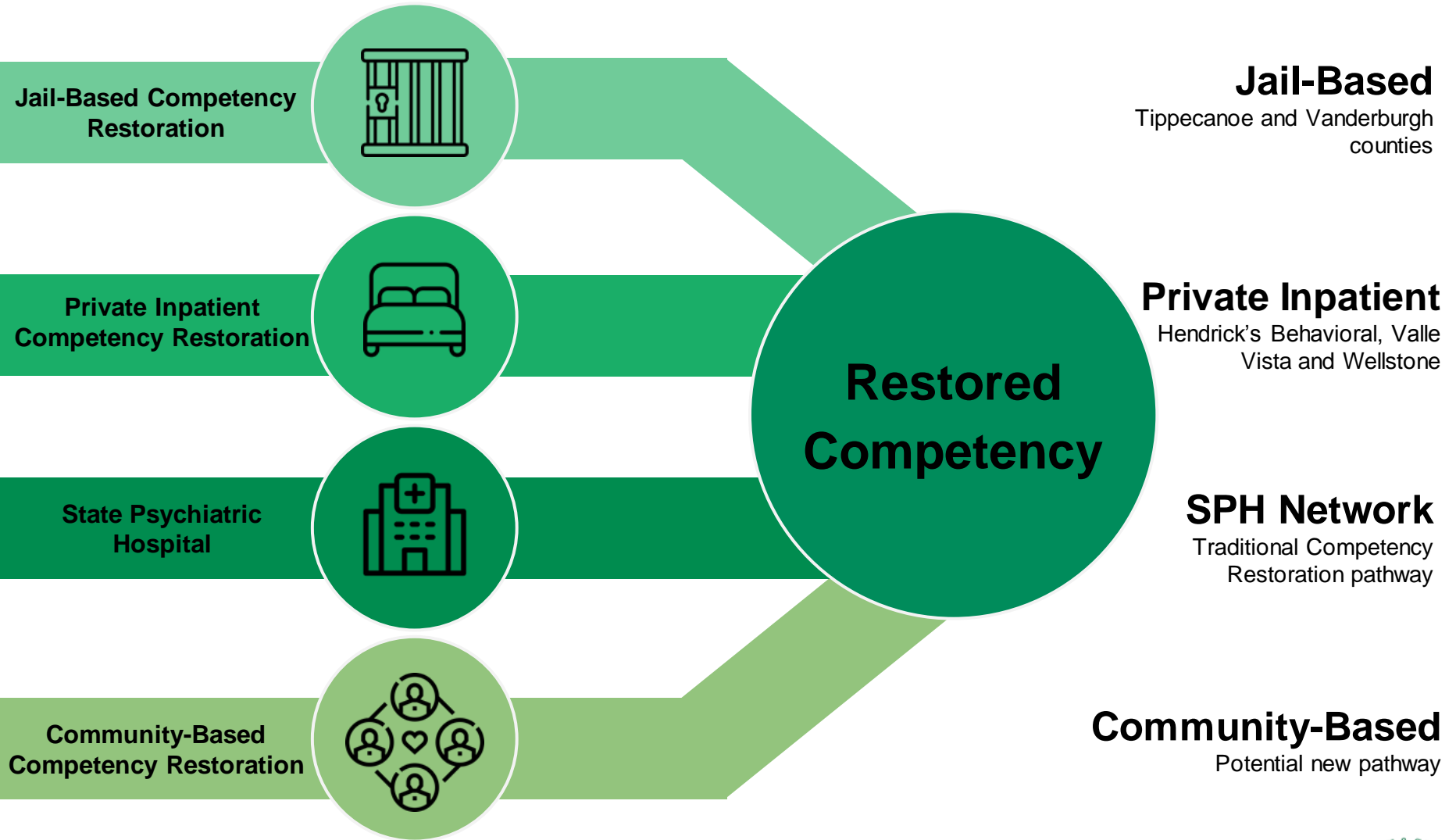
- If we discharge a patient as “competent” who is not actually competent, we deny them access to a fair trial



### Civil liberties

- If we keep a patient here as “incompetent” who is actually competent, we are obstructing their civil liberties

# Traditional and Innovative Pathways to Competency Restoration





# June 2022 Launched CR Reform Project **OBJECTIVE**

By July 1st, 2024, decrease the average wait time for competency restoration services from **an average of over 4 months to 4 weeks** for adults needing care in Indiana's State Psychiatric Hospitals.



# WORKSTREAMS OVERVIEW

Our workstreams drive progress towards achieving our key results.



## Alternative Restoration

- Jail-Based Restoration Pilots
- Project CREATE
- Rapid Restoration



## Data Collection & Analysis

- New database system
- Key baseline data
- Data-informed targets



## Discharge/ After-Care

- Outpatient treatment commitments
- Post-restoration plans
- Pathways off discharge-ready waitlists



## Hospitals/Providers

- Internal SHN barriers, standardization, and training opportunities
- Private hospitals & CMHCs



## Legal & Statutory Changes

- Statutory changes
- Overcoming legal roadblocks



## Staffing

- Recruitment and retention strategies
- Trends in current staffing data



## Stakeholder Management

- Stakeholder engagement plan
- Storytelling and journey maps



## ***State Psychiatric Hospitals***

Specialized medical institutions with services appropriate for patients within certain parameters NOT simply the next step on the continuum and a place to put people when other options fail

### **Who are our patients?**



- Highly acute, requiring highest level of supervision and care
- Vast majority are indigent

### **Where do patients come from?**



#### **Civil Commitment**

Community Mental Health Centers (CMHCs) as gatekeepers

#### **Criminal Justice System**

Patients are either incompetent to stand trial or found NGRI

Evansville  
State Hospital

Evansville Psychiatric  
Children's Center

Logansport  
State Hospital

Madison State  
Hospital

NeuroDiagnostic  
Institute

Richmond  
State Hospital



# Jail-Based Program

## Overview

- Stabilization and treatment begin in jail
- Provides **near-immediate treatment**
- Secure setting



**Active Patients-3**

**Restored Patients-17**

# Project CREATE

## Overview

To assist individuals found incompetent to stand trial who are awaiting placement in the state psychiatric hospital network in a more timely manner



**Active Patients- 28**

**Restored Patients- 61**

*Program saved the State of Indiana \$1,277,528 at the end of CY 2022*

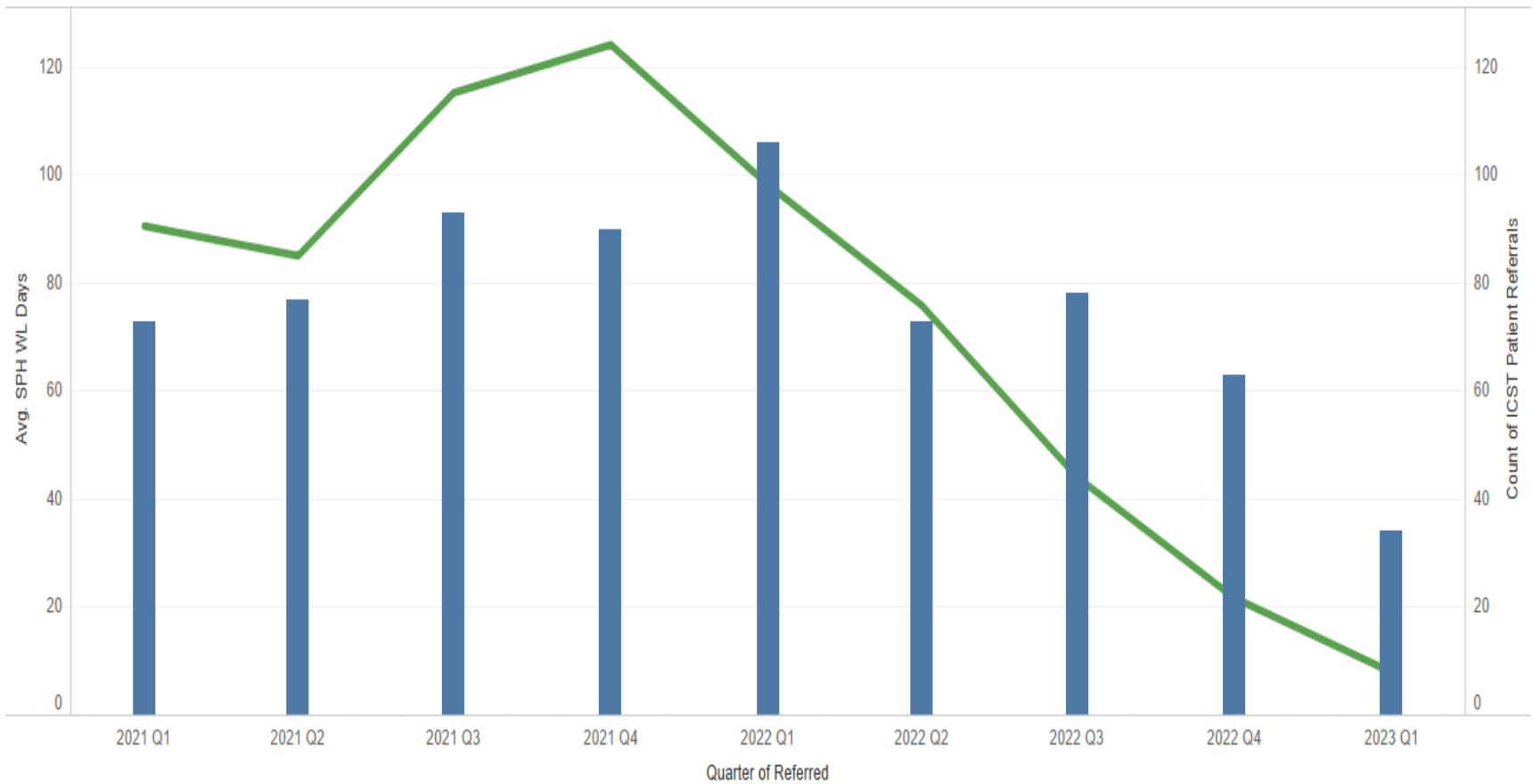
# All ICST Referrals and the Avg SPH Wait for Direct to SPH Patients

\* includes patients added today

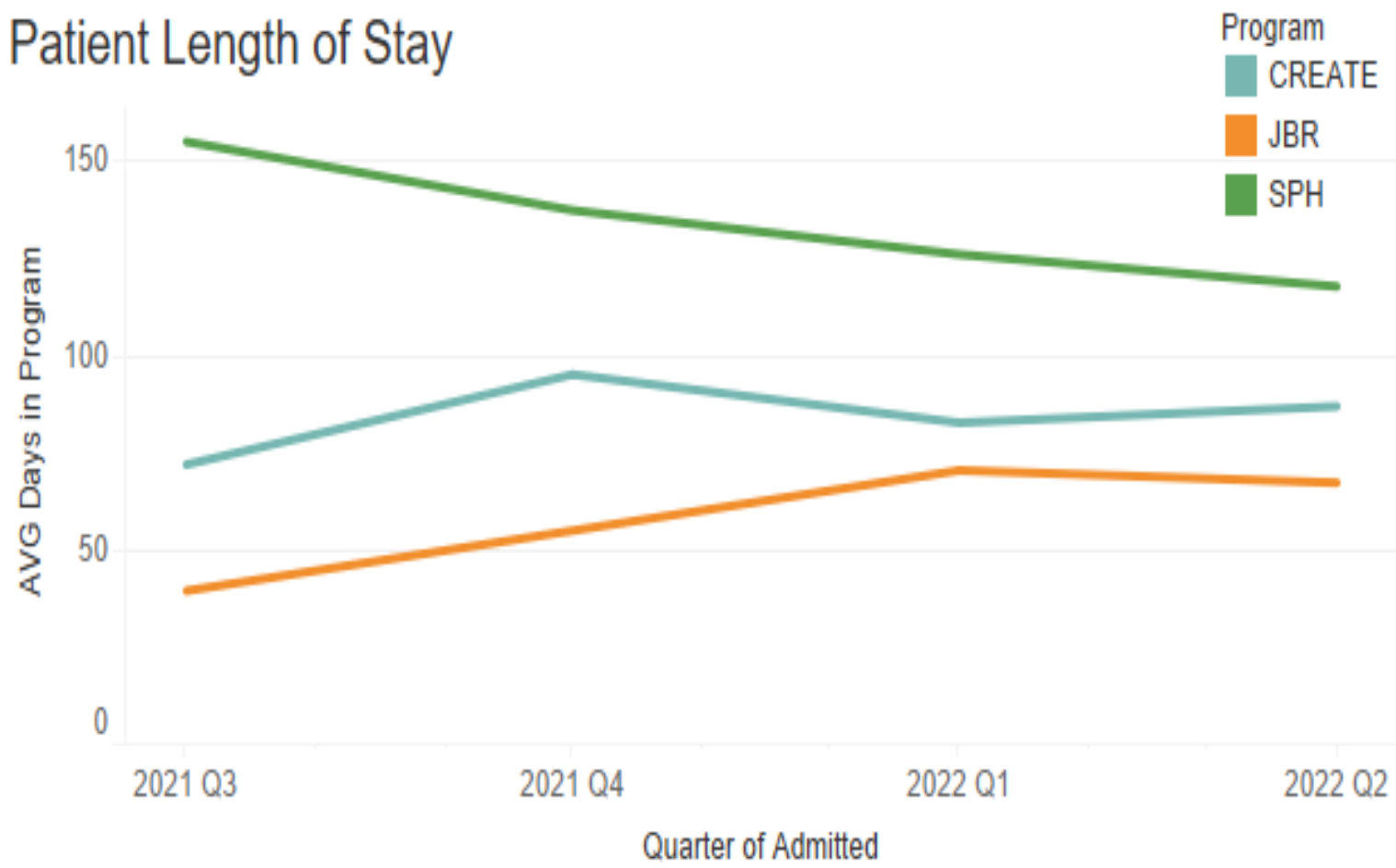
Measure Names

Count of ICST Patients

Avg. SPH WL Days



# Patient Length of Stay



# Where we are NOW!



42

Patients on waitlist

587

Census at  
State Psychiatric  
Hospitals

*DMHA data as of 2/1/2023*



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