



**JUDICIAL COUNCIL
OF CALIFORNIA**

455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel. 415-865-4200
Fax 415-865-4205
www.courts.ca.gov

FACT SHEET

August 2023

Incompetent to Stand Trial Project

The Judicial Council is launching a project with support from the California Department of State Hospitals to enhance the quality of forensic evaluator reports and to increase the pool of qualified evaluators used by courts to make determinations about a defendant's competency to stand trial in adult criminal proceedings.

Overview

When doubt about a defendant's mental competency to stand trial is raised, criminal proceedings are suspended until the defendant is evaluated by a court-appointed forensic evaluator. The forensic evaluator assesses the defendant's alleged mental disorder, ability to understand court proceedings, and ability to assist counsel in their defense. A court hearing is then held to determine whether the defendant is competent to continue through criminal proceedings or whether the defendant is Incompetent to Stand Trial (IST). If the court finds the defendant mentally competent, the criminal proceedings resume. If the court finds the defendant IST, the criminal proceedings are suspended and the court may take one of several courses of action, including ordering competency restoration, diversion, conservatorship, or case dismissal. (Penal Code, § 1367, et seq.)

The state is experiencing a dramatic increase in declarations of doubt about defendants' mental competencies to stand trial. The number of court filings declaring doubt has increased nearly 200 percent over the past ten years, and the waitlist for admission to the Department of State Hospitals (DSH) for competency restoration in felony cases has more than doubled between 2018 and 2021. In response, the state allocated funding to DSH through the 2022-23 Budget Act to move forward strategies to reduce its waitlist, including pass-through funding to the Judicial Council to improve the quality of Penal Code section 1369 forensic evaluator reports through evaluator training.

Incompetent to Stand Trial Project

Page 2 of 2

IST Project Components

The Judicial Council's IST Project supports the courts in improving the quality of forensic evaluator reports through evaluator training. In addition, it will develop and implement strategies to increase the statewide pool of forensic evaluators and will assist courts in identifying and scheduling evaluators.

Evaluator training

The Judicial Council, in consultation with DSH, is contracting with nationally recognized subject-matter experts to train forensic evaluators in California. This project will focus on identifying and training psychiatrists and licensed psychologists who are new to competency evaluations and need to meet local court appointment requirements. This training will also be available to forensic evaluators who courts have previously appointed in competency proceedings and who may want or need additional training and peer-feedback.

Statewide directory of evaluators

The Judicial Council will maintain an inventory of forensic evaluators who have completed training through this IST Project, as well as experienced court-appointed evaluators who are available to work with courts across the state. This directory is intended to increase the statewide pool of forensic evaluators available for potential appointment and to assist courts with expanding their local evaluator panels.

Web-based resources for the courts

The Judicial Council will maintain web-based resources to assist courts with administrative duties in competency proceedings. These resources will include a platform for identifying and scheduling qualified forensic evaluators, as well as best practices and sample materials used by courts, such as best practices for remote evaluations and evaluator payrates used by courts throughout the state.

Contact:

ISTSupport@jud.ca.gov.