



# Competency to Stand Trial System Assessment Tool

Court orders to assess competency in criminal court proceedings, also termed fitness to proceed, represent the most frequently ordered mental health evaluation by criminal courts, with more defendants ordered to competency evaluations and restoration than ever before. This is especially true for misdemeanor defendants who not only comprise the largest proportion of competency evaluations but are also found incompetent at higher rates than felony defendants. As a result, the number of evaluations often exceeds resources, which in turn has generated long wait lists. Indeed, some waitlists have grown so lengthy and wait times so long (more than one year, in some cases), that defendants frequently spend more time in jail awaiting competency services than they otherwise would have served in jail if found guilty.

In 2021, the National Judicial Task Force to Examine State Courts' Response to Mental Illness listed case processing in criminal competency cases as a national priority. The [Competency to Stand Trial Court System Assessment Tool \(CST2\)](#) is designed for judges and court personnel to examine the status of practices, policies, and resources in their jurisdiction relating to competency to stand trial (CST)/fitness to proceed and related behavioral health systems.

**The information gained from completing the CST2 assists courts in developing and prioritizing strategies in competency, beginning with crisis response, opportunities for deflection and diversion, and concluding with successful reentry.**

## THE CST2 ASSESSES FIVE CENTRAL AREAS

<b>Deflecting and Diverting Cases from CST Systems</b>	<b>Expanding Community-based Services and Support</b>	<b>Developing Alternative Evaluation and Restoration Sites</b>	<b>Improving Evaluation and Restoration Case Processing</b>	<b>Improving Systems and Building Capacity</b>

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The recommendations embedded in this tool were adapted from the following resources:

- National Judicial Task Force to Examine State Courts' Response to Mental Illness, [Leading Reform: Competence to Stand Trial Systems](#) (July 2021)
- Council of State Governments Justice Center, [Just and Well: Rethinking How States Approach Competency to Stand Trial](#) (October 2020)
- Crisis Now, [Crisis Now Assessment Tool](#) (March 2021)

The CST2 provides summary scores within each section and recommends priority areas for improving criminal competency case processing and related systems. NCSC is available for consultation and technical assistance, either with developing priorities from the findings of the CST2 or to assist with implementing identified strategies. Contact Patti Tobias at [ptobias@ncsc.org](mailto:ptobias@ncsc.org) for more information.

## RESOURCES

Ash, P., et al. (2020). [A Jail-based Competency Restoration Unit as a Component of a Continuum of Restoration Services](#). *The Journal of the American Academy of Psychiatry and the Law*, 48 (1), 43-51.

Callahan, L. (November 2019). [Competence to Stand Trial: Opportunities for Diversion](#). Policy Research Associates.

Gowensmith, W. N., Pinals, D. A., & Karas, A. C. (2015). [States' standards for training and certifying evaluators of competency to stand trial](#). *Journal of Forensic Psychology Practice*, 15(4), 295-317.

Hogg Foundation for Mental Health (2013). [Restoration of Competency to Stand Trial](#), issue brief.

National Youth Screening & Assessment Partners. [Juvenile Competence to Stand Trial](#) (page with several resources).

National Center for State Courts (December 2021). [Oregon's Aid and Assist Dashboard](#)

National Center for State Courts (May 2022). [Leading Reform: Competence to Stand Trial Systems: Questions State Court Leaders Should Ask First](#)

Pinals, D. A., & Callahan, L. (2020). [Evaluation and restoration of competence to stand trial: intercepting the forensic system using the sequential intercept model](#). *Psychiatric Services*, 71(7), 698-705.

Policy Research Associates (2019, November). [Competency Restoration: Thoughts from the Field](#) (SAMHSA GAINS Center).

Rogers, M. S., McNeil, D. E., & Binder, R. L. (2019). [Effectiveness of police crisis intervention training programs](#). *Journal of the American Academy of Psychiatry and Law*, 47(4), 414-21.

Substance Abuse and Mental Health Services Administration (SAMHSA, 2020). [National Guidelines for Behavioral Health Crisis Care – A Best Practices Toolkit](#).

SAMHSA (2019). [Tailoring Crisis Response and Pre-Arrest Diversion Models for Rural Communities](#). SAMHSA GAINS Center for Behavioral Health and Justice Transformation.

SAMHSA (2019). [Forensic Assertive Community Treatment \(FACT\): A Service Delivery Model for Individuals with Serious Mental Illness Involved in the Criminal Justice System](#).

SAMHSA (2019). [Screening and Assessment of Co-Occurring Disorders in the Justice System](#).

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