**Competency Restoration**

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| Treatment #5: Review and reform the competency restoration process for adults (18-211/212 and juveniles. |

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| **TEAM LEADERSHIP** | | |
| **Project Sponsors** | | Deena Layne, ISC and Ross Edmunds, IDHW |
| **Team Chair(s)** | | Jennifer Burlage, Laura Treat |
| **Team Reporter** | | Gina Westcott |
| **PURPOSE** | | |
| The Competency Restoration Implementation Team is committed to evaluating and improving Idaho’s adult competency to stand trial system and reviewing policies affecting juvenile mental health evaluations within the justice system. Through comprehensive assessments, stakeholder engagement, and data-driven analysis, this team will develop strategies for systemic reform that promote efficiency, fairness, and improved treatment pathways for individuals involved in competency restoration processes.  A key focus will be conducting a comprehensive assessment of the adult competency to stand trial system, identifying inefficiencies, delays, and gaps in evaluation and restoration services. The team will explore evidence-based reforms to improve the timeliness and effectiveness of competency determinations and restoration programs, ensuring that individuals receive appropriate treatment while reducing unnecessary legal and custodial delays.  Additionally, the team will establish a multidisciplinary workgroup to review Idaho’s juvenile statute I.C. 20-519, which governs the detention and mental health evaluation of juveniles. By analyzing statewide data and gathering input from legal, behavioral health, developmental disabilities and child welfare stakeholders, the team will assess how the statute is applied in practice and recommend improvements that promote consistency, developmentally appropriate responses, and effective mental health interventions for youth.  The North Star guiding these recommendations is the creation of a fair, efficient, and person-centered legal, behavioral health, and disabilities system that ensures timely, appropriate, and effective competency restoration services for adults and a just, developmentally appropriate approach for juveniles.  For adult competency restoration, the goal is to establish a streamlined, evidence-based system that minimizes delays, prioritizes appropriate treatment settings, and ensures individuals receive timely evaluations and necessary care while protecting legal rights and public safety. This includes reducing unnecessary incarceration, expanding community-based restoration options, and improving coordination between courts, behavioral health providers, and correctional facilities.  For juvenile competency evaluations under I.C. 20-519, the focus is on ensuring the statute is applied fairly and consistently, with policies that reflect best practices in juvenile behavioral health and justice. By gathering data and stakeholder experiences, the aim is to develop recommendations that reduce unnecessary detention, ensure access to mental health services, and uphold the unique developmental needs and legal protections of youth involved in the system.  Ultimately, these efforts seek to foster a more effective, compassionate, and legally sound system that upholds the rights of individuals, enhances public safety, and strengthens the intersection between behavioral health and the justice system. | | |
| **ACTION ITEMS TO ACCOMPLISH** | | |
| Recommendation #1: Conduct a comprehensive assessment and analyze ways to reform the competency to stand trial system. | | |
| **1.** | Gather and analyze statewide data on competency evaluations and restoration | |
| **2.** | Identify and review best practices from other states | |
| **3.** | Engage stakeholders in policy and system review | |
| **4.** | Assess workforce and infrastructure capacity | |
| Recommendation #2: Establish a multi-disciplinary group to review juvenile statute I.C. 20-519 | | |
| **5.** | Form a juvenile competency review workgroup | |
| **6.** | Collect and analyze data on the use of I.C. 20-519 | |
| **7.** | Gather stakeholder feedback | |
| **8.** | Review national best practices for juvenile competency and diversion | |
| **PARAMETERS OR CONSTRAINTS** | | |
| **In Scope (Project Includes)**  The following activities align with the charter’s goals and will be addressed through the prioritized action items:  **1. Competency to Stand Trial System Reform**   * **Statewide Data Collection and Analysis:**   + Determining which data points are relevant to the recommendation goal.   + Gathering data on competency evaluations, including referrals, wait times, restoration outcomes, and service gaps.   + Evaluating each phase of the competency process to identify barriers, procedural concerns, and timeline issues.   + Developing reports and making recommendations to leaders and stakeholders. * **Reviewing National Best Practices:**   + Interviewing and conducting discussions with stakeholders.   + Conducting a comparative analysis of states with successful competency restoration reforms.   + Evaluating alternative models such as community-based and outpatient competency restoration programs. * **Stakeholder Engagement:**   + Convening legal, behavioral health, developmental disabilities and correctional system experts to assess systemic challenges.   + Gathering input from public defenders, judges, prosecutors, and forensic evaluators on current practices and potential reforms. * **Assessing Workforce and Infrastructure Capacity:**   + Identifying shortages in forensic evaluators, mental health professionals, developmental disabilities and restoration service providers.   + Evaluating facility and program capacity for both inpatient and community-based restoration.   **2. Review of Juvenile Statute I.C. 20-519**   * **Form a Juvenile Competency Review Workgroup:**   + Engaging representatives from juvenile courts, public defenders, prosecutors, child psychiatrists, social workers, developmental disabilities and advocacy groups.   + Ensuring diverse perspectives, including families and youth with lived experience. * **Data Collection and Analysis:**   + Assessing how often the statute is applied, regional differences, and case outcomes.   + Identifying trends in detention rates, access to evaluations, and length of time in the system. * **Stakeholder Feedback:**   + Conducting focus groups and surveys with legal professionals, families, and service providers.   + Identifying challenges in applying the statute and concerns around due process and fairness. * **Reviewing National Best Practices:**   + Analyzing developmentally appropriate alternatives to detention-based competency evaluations.   + Exploring community-based interventions and early diversion strategies for juveniles.   **Out of Scope (Not Included in the Project)**  The following activities fall outside the charter’s scope and will not be directly addressed:   * **Implementing Legislative or Policy Changes:**   + While the project will propose reforms, enacting legislative updates or policy changes will require separate action by policymakers. * **Providing Direct Services:**   + The charter focuses on system-level analysis and recommendations, not direct intervention or service provision to individuals. * **Developing or Funding New Programs:**   + Recommendations may suggest new models, but the development, implementation, and funding of such programs will be separate efforts. * **Individual Case Reviews:**   + The analysis will focus on system-wide trends and issues rather than investigating specific cases. * **Legislative Advocacy or Lobbying:**   + The workgroup will provide policy recommendations but will not engage in advocacy or lobbying efforts. | | |
| **HIGH-LEVEL RISKS** | | |

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| **Recommendation** | **Risk** | **Mitigation Strategy** |
| Conduct a Comprehensive Assessment and Analyze Ways to Reform the Competency to Stand Trial System | Data Availability and Quality | Collaborate with state agencies and judicial systems to ensure comprehensive data access.  Standardize data collection methods and validate data accuracy. |
|  | Resistance to Change | Engage stakeholders early in the process through regular consultations and transparent communication. Highlight evidence-based practices and success stories from other states. |
|  | Legal and Policy Constraints | Involve legal experts in policy review and reform discussions. Ensure compliance with state and federal laws while proposing innovative solutions. |
|  | Workforce Shortages | Assess current staffing levels and develop targeted recruitment and training programs for forensic evaluators, mental health and developmental disabilities professionals. |
|  | Infrastructure Limitations | Evaluate existing facility capacity and explore community-based restoration models to reduce demand on inpatient services. |
| Establish a Multidisciplinary Group to Review Juvenile Statute I.C. 20-519 | Stakeholder Misalignment | Ensure broad representation from juvenile courts, public defenders, prosecutors, and advocacy groups. Foster collaborative decision-making and consensus-building. |
|  | Insufficient Data | Design a robust data collection framework, including regional case studies and outcome analysis, to inform policy recommendations. |
|  | Limited Engagement from Families and Youth | Conduct outreach through community organizations and advocacy groups to involve families and youth with lived experience. |
|  | Policy Implementation Challenges | Develop clear guidelines and training programs to support the application of revised statutes and best practices. |
|  | Resource Constraints | Identify funding opportunities and partnerships to support infrastructure, training, and service delivery improvements. |

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| **IMPLEMENTATION TEAM MEMBERS** | |
| Ross Edmunds | Idaho Department of Health and Welfare Division of Behavioral Health |
| Jennifer Burlage | Idaho Department of Health and Welfare Division of Behavioral Health |
| Ellie Merrick | Idaho Department of Health and Welfare Division of Behavioral Health |
| Laura Treat | Idaho Department of Health and Welfare Division of Behavioral Health |
| Tim Thompson | Idaho Department of Health and Welfare Division of Behavioral Health |
| Aaron Bazzoli | Former Canyon County Public Defender |
| Dr. Abhilask Desai | St. Alphonsus Health Alliance |
| Beth Markley | NAMI Idaho |
| Briana Allen | Idaho Department of Health and Welfare |
| Dani Pere | Idaho Department of Health and Welfare Division of Behavioral Health |
| Deena Layne | Administrative Office of Courts |
| Dr. Heather Casady | Idaho Department of Correction |
| Gina R. Westcott | Idaho Department of Health and Welfare Division of Behavioral Health |
| Guadalupe Ayala | Idaho Department of Health and Welfare |
| Judge Robert Naftz | Bannock County District Judge |
| Judge Karin Seubert | Nez Perce County Magistrate Judge |
| Kasey Abercrombie | Idaho Department of Health and Welfare |
| Krista Edge | Idaho Department of Health and Welfare |
| Kristin Green | Idaho Department of Health and Welfare |
| Judge Lamont Berecz | Bonner County District Judge |
| Randy Rodriquez | Idaho Department of Health and Welfare State Hospital South |
| Teresa Shackelford | Idaho Department of Health and Welfare State Hospital North |
| Todd Hurt | Intermountain Hospital |
| **ADMINISTRATION** | |
| **Meeting Cadence** | * Frequency: Every other month * Duration: 1.0 hours * Format: Virtual (with in-person meetings as needed) * Facilitator: Initiative Owner or Designated Team Member * Participants:  Team Members  Key Stakeholders (as needed)  Representatives from State Agencies * Sub-Team Members |
| **Communication** | To ensure alignment, transparency, and accountability, communication regarding sub-team updates, progress on action items, and goal achievement will occur during the monthly Implementation Team meetings.  **Monthly Meeting Communication Plan:**   * Sub-Team Updates: Each sub-team will provide a bi-monthly summary of their progress, key milestones, challenges, and any support needed. * Action Item Review: Progress on assigned action items from previous meetings will be reported, with adjustments made as necessary. * Issue Resolution & Strategic Adjustments: Any barriers or delays in implementation will be discussed, with solutions proposed to keep the project on track. * Stakeholder Feedback: Input from members and external stakeholders will be incorporated to refine strategies and enhance collaboration.   Meeting documentation, including sub-team reports and decisions made, will be distributed after each meeting to ensure all members stay informed and accountable. |
| **Amendment Process** | **Charter Amendment Process for the Competency Restoration Implementation Team**  To ensure that the Competency Restoration Implementation Team Project Charter remains relevant and effective, an amendment process will be established. Amendments to the charter may be necessary due to changes in funding, policy direction, project scope, or operational needs.  Amendments to the charter may be proposed by any team member, stakeholder, or leadership representative. Proposals must be submitted in writing, detailing the proposed change, rationale, and potential impact. The leadership team will review the proposal, with a minimum **10-business-day discussion period** for feedback. Following the discussion, a **supermajority vote (67%)** is needed for approval, conducted via formal meeting or electronic ballot. Approved amendments will be documented, implemented within an agreed timeframe, and archived with version control. |
| **Dates Amended** |  |